

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

HARRY HENRY BROWN,

Plaintiff,

v.

CASE NO. 4:10cv45-SPM/WCS

WALTER A. MCNEIL, et al.,

Defendant,

_____ /

ORDER

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation (doc. 5) dated February 12, 2010. Plaintiff has filed objections (doc.7) pursuant to Title 28, United States Code, Section 636(b)(1). Having considered the report and recommendation and the objections, I have determined that the report and recommendation should be adopted.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 5) is ADOPTED and incorporated by reference in this order.
2. Plaintiff's motion to proceed in forma pauperis (doc. 2) is denied pursuant to 28 U.S.C. § 1915(g).

3. Plaintiff's complaint (doc. 1) is dismissed without prejudice to refile with full prepayment of the filing fee.

4. The clerk of court shall note on the docket that this case has been dismissed pursuant to 28 U.S.C. § 1915(g).

DONE AND ORDERED this 26th day of February, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge