

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

BENJAMIN N. MOOTS,

Plaintiff,

v.

CASE NO. 4:10cv98-SPM/WCS

WALTER A. MCNEIL, et al.,

Defendant,

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**ORDER**

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation (doc. 20) dated April 20, 2010. Plaintiff has filed objections (doc. 22) 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. Mammography and ultrasound tests have been conducted to determine that no cancerous tissue is present and Plaintiff has been given ibuprofen for pain. Although Plaintiff disagrees with the treatment provided, he has not demonstrated deliberate indifference to a serious medical need.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's report and recommendation (doc. 20) is

ADOPTED and incorporated by reference in this order.

2. Plaintiff's second amended complaint (doc. 16) is dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2).

3. The clerk shall note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE AND ORDERED this 2nd day of June, 2010.

*s/ Stephan P. Mickle*  
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Stephan P. Mickle  
Chief United States District Judge