

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

MICHAEL GOLDEN, JR.,

Plaintiff,

v.

CASE NO. 4:11cv54-SPM/WCS

GOVERNOR RICK SCOTT, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER**

THIS CAUSE comes for consideration upon the magistrate judge's report and recommendation dated March 4, 2011. Doc. 7. Plaintiff has been furnished a copy and has filed objections pursuant to Title 28, United States Code, Section 636(b)(1). Doc. 8.

Despite the objections, I have determined that the report and recommendation is correct and should be adopted. The dismissal of this case as recommended by the magistrate judge is without prejudice to Plaintiff's opportunity to refile if his conviction or sentence is overturned. Accordingly, it is

**ORDERED AND ADJUDGED:**

1. The magistrate judge's report and recommendation (doc. 7) is ADOPTED and incorporated by reference in this order.

2. This case is dismissed without prejudice for failure to state a claim upon which relief may be granted.

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

DONE AND ORDERED this 16th day of March, 2011.

*s/ Stephan P. Mickle*

---

Stephan P. Mickle  
Chief United States District Judge