

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

FITOLAY J. DEMESMIN,

Plaintiff,

v.

4:11cv81-WS

OFFICER ANDREW GAZAPIAN,
and SECRETARY EDWIN BUSS,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 6) docketed March 7, 2011. The magistrate judge recommends that the plaintiff's complaint be dismissed as frivolous. The plaintiff has filed no objections to the magistrate judge's report and recommendation.

The court has reviewed the record and has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 6) is hereby ADOPTED and incorporated by reference in this order.
2. The plaintiff's complaint, and this action, are hereby DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

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

DONE AND ORDERED this 11th day of April, 2011.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE