

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

REGINALD K. CRUMITY,

Plaintiff,

vs.

Case No. 4:11cv252-SPM/WCS

MIKE'S BEER BARN, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Magistrate Judge's Report and Recommendation (doc. 8). Plaintiff was furnished a copy and has filed an objection (doc. 9). Pursuant to Title 28, United States Code, Section 636(b)(1), this Court has made a de novo determination of those portions to which an objection has been made. Despite Plaintiff's objection, this Court finds that the Report and Recommendation is legally accurate and should be adopted.

Accordingly, it is ORDERED AND ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 8) is ***adopted and incorporated*** by reference into this order.
2. Plaintiff's complaint is hereby ***dismissed*** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2).
3. The Clerk of Court shall note on the docket that this cause was

dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and thereby
constitutes a “strike” within the meaning of 28 U.S.C. §1915(g).

DONE AND ORDERED this twenty-sixth day of July, 2011.

s/ Stephan P. Mickle
Stephan P. Mickle
Senior United States District Judge