

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

ELIO DIEGUEZ FRIAS,

Plaintiff,

vs.

CASE NO. 4:11-cv-553-SPM/GRJ

GOVERNOR SCOTT, et al.,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 4). Petitioner has been afforded an opportunity to file objections. No objections were filed. Upon consideration, I have determined that the Report and Recommendation is correct and should be adopted.

Accordingly, it is hereby ORDERED and ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 4) is **adopted** and incorporated by reference into this order.
2. The Motion to Proceed In Forma Pauperis (doc. 2) is **denied**.

3. This case is **dismissed**.

DONE AND ORDERED this 30th day of January, 2012.

S/ Stephan P. Mickle

Stephan P. Mickle

Senior United States District Judge