

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

JOHN C. SPAULDING,

Plaintiff,

v.

CASE NO. 4:11cv605-SPM/WCS

KENNETH TUCKER, et al.,

DefendantS.

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ORDER

THIS CAUSE comes before the Court for consideration of the magistrate judge's report and recommendation (doc. 18) dated March 20, 2012. Plaintiff has filed objections (doc. 19) 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. As explained in the report and recommendation, Plaintiff's allegations are not sufficient to show that the conditions of his confinement imposed atypical or significant hardships compared to the ordinary incidents of prison life.

Accordingly, it is hereby ORDERED as follows:

1. The magistrate judge's Report and Recommendation (doc. 18) is ADOPTED and incorporated by reference in this order.

2. Plaintiff's third amended complaint (doc. 17) 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 4th day of April, 2012.

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