

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

THOMAS YOUNK,

Plaintiff,

v.

CASE NO.4:13-cv-97-MW/GRJ

TERRY ROYAL, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION**

The Court has considered the Magistrate's Report and Recommendation, ECF No.5, filed March 11, 2013. Upon consideration,

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's opinion. The Clerk shall enter judgment stating, "This cause is **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. §1915(e)(2)(B)(ii)." The Clerk shall terminate any pending motions and shall close the file.

SO ORDERED on March 29, 2013.

s/Mark E. Walker
United States District Judge

