

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

DWAYNE A. McGEE,

Plaintiff,

v.

CASE NO. 4:13cv126-RH/CAS

KENNETH L. TUCKER,

Defendant.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 7, and the objections, ECF No. 17. I have reviewed *de novo* the issues raised by the objections.

As noted in the report and recommendation, the plaintiff has at least three "strikes" under 28 U.S.C. § 1915(g). He admits this. The plaintiff has not adequately alleged that he is in imminent danger of serious physical injury. The plaintiff therefore cannot proceed *in forma pauperis*. Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed without prejudice." The clerk must close the file.

SO ORDERED on April 4, 2013.

s/Robert L. Hinkle
United States District Judge