

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

CARLOS MORGADO,

Plaintiff,

v.

CASE NO. 4:16cv286-RH/CAS

STATE OF FLORIDA et al.,

Defendants.

_____ /

ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 19. No objections have been filed. The recommendation is for dismissal of this action.

The background is this. The magistrate judge's order of October 4, 2016, ECF No. 16, concluded that the plaintiff's first amended complaint failed to state a claim on which relief could be granted. The order gave the plaintiff leave to file a second amended complaint and set November 4 as the deadline for doing so. The order said the plaintiff should file a second amended complaint only if he could cure the first amended complaint's deficiencies as noted in the order.

The plaintiff objected to the magistrate judge's order. I entered an order on March 15, 2017 overruling the objection but extending to April 5 the deadline for the plaintiff to file a second amended complaint. The March 15 order said:

As noted in the report and recommendation, the plaintiff should file a second amended complaint only if he can cure the deficiencies noted in the report and recommendation. If the plaintiff chooses not to file a second amended complaint, his assertion that the first amended complaint stated a claim on which relief could be granted will be preserved for appeal. If the plaintiff does not file a second amended complaint, a judgment will be entered for the defendants, and the plaintiff will be entitled to appeal to the United States Court of Appeals for the Eleventh Circuit.

ECF No. 18 at 2.

The plaintiff did not file a second amended complaint. After the deadline for doing so passed, the magistrate judge entered the report and recommendation that is now before the court. The plaintiff has not objected, and the deadline for doing so has passed.

Upon consideration,

IT IS ORDERED:

The report and recommendation is accepted. The clerk must enter judgment

stating, “The plaintiff’s claims are dismissed with prejudice.” The clerk must close the file.

SO ORDERED on May 23, 2017.

s/Robert L. Hinkle
United States District Judge