

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

JOSHUA FRANKLIN,

Plaintiff,

v.

Case No. 4:16cv470-MW/CAS

**KIMBERLY PETERSON
and
LEODE DAVIS,**

Defendant.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 42. Upon consideration, no objections having been filed by the parties,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as this Court's opinion. Plaintiff's motion for leave to file an amended complaint, ECF No. 40, is **DENIED** because the proposed fourth amended complaint, ECF No. 40-1, fails to

state a claim upon which relief may be granted. This case is **REMANDED** to the Magistrate Judge for further proceedings.

SO ORDERED on June 7, 2018.

s/ MARK E. WALKER
United States District Judge