

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

BENJAMIN A. BRADLEY,

Plaintiff,

v.

CASE NO. 4:16cv694-RH/CAS

MAJOR DAMON ATKINS et al.,

Defendants.

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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. 8. I have reviewed de novo the issues raised by the objections. The recommendation is for dismissal of the amended complaint, ECF No. 6, because it is barred by the doctrine of res judicata.

More recently, the plaintiff tendered a second amended complaint, ECF No. 9, without seeking leave to file it. The third amended complaint, like the second, closely tracks the case the plaintiff filed in this court in 2013. That case was dismissed for failing to state a claim on which relief can be granted. Such a

dismissal is an adjudication on the merits. The plaintiff did not appeal, so the adjudication was and is final. The court's records from that case can be judicially noticed. If, as is unlikely, the plaintiff has any basis for objecting to the taking of judicial notice, he may move to alter or amend the judgment that will be entered based on this order.

Even aside from res judicata, the first and second amended complaints fail to allege facts sufficient to state a claim on which relief can be granted. That is true for claims based on either federal or state law. And even if it were held that the complaints were sufficient to state a claim based on state law, I would decline to exercise supplemental jurisdiction over such a claim after dismissal of any claim based on federal law.

For these reasons and those set out in the report and recommendation,

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's opinion. The clerk must enter judgment stating, "The plaintiff's claims are dismissed." The clerk must close the file.

SO ORDERED on January 12, 2017.

s/Robert L. Hinkle
United States District Judge