

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

MICHAEL BARNISHIN,

Plaintiff,

v.

Case No. 4:16cv719-MW/GRJ

WILLIAM N. MEGGS, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 13. 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. The Clerk shall enter judgment stating, "The motions for leave to proceed as a pauper are **DENIED**. ECF Nos. 2 and 10. Plaintiff's first amended complaint, ECF No. 12, is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous and for lack of subject matter jurisdiction. Because Plaintiff is subject to the requirements of the Prison Litigation Reform Act, this dismissal operates as

a “strike” pursuant to 28 U.S.C. § 1915(g).” The Clerk shall close the file.

SO ORDERED on April 10, 2017.

s/Mark E. Walker

United States District Judge