

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

LANCE HARTMAN,

Plaintiff,

v.

Case No. 4:16cv721-MW/CAS

JULIE L. JONES,

Defendant.

_____ /

**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 19. 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. While there may be circumstances under which an Eighth Amendment claim could be pled, even liberally construed, Plaintiff did not do so. The Clerk shall enter judgment stating, "Defendant's motion to dismiss, ECF No. 16, is **GRANTED** and Plaintiff's complaint, ECF No. 4, is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §

1915(e)(2). The Clerk is directed to note on the docket that this cause is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).” The Clerk shall close the file.

SO ORDERED on March 9, 2018.

s/Mark E. Walker
United States District Judge