

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

DAVID TERRENCE STEPHENS,

Plaintiff,

v.

CASE NO. 4:16cv756-RH/CAS

WARDEN JOHNSON,

Defendant.

_____ /

ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 5. No objections have been filed.

As noted in the report and recommendation, the plaintiff has at least three "strikes" under 28 U.S.C. § 1915(g) and has not alleged that he is in imminent danger of serious physical injury. The plaintiff has not paid the filing fee and cannot properly proceed *in forma pauperis*. Accordingly,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed without prejudice." The clerk must close the file.

SO ORDERED on February 8, 2017.

s/Robert L. Hinkle
United States District Judge