

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

COWELL NEMOY BROWN,

Plaintiff,

v.

CASE NO. 4:16cv777-RH/CAS

JULIE JONES 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. 11, and the objections, ECF No. 12. I have reviewed de novo the issues raised by the objections.

The report and recommendation correctly concludes that the amended complaint fails to state a claim against these defendants on which relief can be granted. The plaintiff was given leave to amend, but he did not cure the deficiencies, and in his objections, he says he need not do so. This order thus does not give leave to amend further.

An illustration of the plaintiff's position is this. He insists he may sue the Florida Fifth District Court of Appeal and Circuit Court for the Ninth Judicial Circuit. Those are not suable entities, so the complaint fails to state a claim against them on which relief can be granted. If they were suable entities, it would not save the plaintiff's claims; the state and state entities, including these, have Eleventh Amendment immunity. *See, e.g., Seminole Tribe of Fla. v. Florida*, 517 U.S. 44 (1996) (holding that a state sued in its own name has Eleventh Amendment immunity, regardless of the relief sought, unless the immunity has been waived or validly abrogated by Congress).

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's further opinion. The clerk must enter judgment stating, "The complaint is dismissed under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim on which relief can be granted." The clerk must close the file.

SO ORDERED on June 26, 2017.

s/Robert L. Hinkle
United States District Judge