

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

**ABEL MOCTEZUMA,**

**Plaintiff,**

**v.**

**Case No. 4:17cv14-MW/GRJ**

**TALLAHASSEE FCI, et al.,**

**Defendants.**

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**ORDER ACCEPTING  
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 7, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 8. Accordingly,

**IT IS ORDERED:**

The report and recommendation is **accepted and adopted**, over Plaintiff's objections, as this Court's opinion. The Clerk shall enter judgment stating, "This case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e) as frivolous." This Court notes this case only pertains to the injury Plaintiff allegedly received while an inmate at FCI Tallahassee in 2012. It may be that Plaintiff has a basis to file a claim against another entity in Florida or in another jurisdiction but this case

involving a back injury is barred by the statute of limitations and is dismissed as frivolous. The Clerk shall close the file.

**SO ORDERED on January 24, 2017.**

**s/Mark E. Walker**  
**United States District Judge**