

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

WILLIAM JAMES SISKOS,

Plaintiff,

v.

CASE NO. 4:17cv186-RH/GRJ

SECRETARY, DEP'T OF
CORRECTIONS,

Defendant.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 42, the objections, ECF No. 44, and the plaintiff's motion for leave to file a third amended complaint. I have reviewed de novo the issues raised by the objections.

The report and recommendation correctly concludes that the second amended complaint fails to state a claim on which relief can be granted. This order accepts the recommendation and dismisses the second amended complaint. The motion for leave to file a third amended complaint does not include allegations that would cure the deficiency. But this order gives the plaintiff leave to file a third

amended complaint. If the third amended complaint is deficient, judgment will be entered; the plaintiff should not expect to be granted leave to file a fourth amended complaint.

For these reasons,

IT IS ORDERED:

1. The report and recommendation is accepted.
2. The second amended complaint is dismissed.
3. The plaintiff may file a third amended complaint by June 28, 2018.

SO ORDERED on May 30, 2018.

s/Robert L. Hinkle
United States District Judge