

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

DAVID TERRENCE STEPHENS,

Plaintiff,

v.

CASE NO. 4:17cv329-RH/CAS

WARDEN TORREY JOHNSON,

Defendant.

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**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 8, and the objections, ECF No. 9. I have reviewed de novo the issues raised by the objections.

As noted in the report and recommendation, the plaintiff has not paid the filing fee. He has more than three "strikes" under 28 U.S.C. § 1915(g) and thus could proceed *in forma pauperis* only by adequately alleging that he is in imminent danger of serious physical injury.

In the objections, the plaintiff says he is in custody in the facility where the defendant is the warden, that the warden has established a good-old-boy network,

that unidentified inmates in the facility have been abused by the warden and by the good-old-boy network, and that the warden does not have immunity from the plaintiff's claims. The plaintiff apparently asserts that being in the same facility where the defendant works and where others have been abused is enough to show that the plaintiff is in imminent danger. Without more, these conclusory allegations are not enough.

Because the plaintiff has not adequately alleged imminent danger,

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 without prejudice." The clerk must close the file.

SO ORDERED on October 20, 2017.

s/Robert L. Hinkle

United States District Judge