

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

OMAR T. ALSTON,

Plaintiff,

v.

Case No. 4:17cv330-MW/GRJ

E. BELLAMY,

Defendant.

_____ /

**ORDER ACCEPTING
REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation, ECF No. 4, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 7. 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, "Plaintiff's Complaint, ECF No. 1, is **DISMISSED** without prejudice as malicious for abuse of the judicial process. The dismissal of this case as malicious shall operate as a "strike" pursuant to 28 U.S.C. § 1915(g). The motion for leave to proceed as a pauper, ECF No. 2, is **DENIED**. Plaintiff's Motion Requesting Permission for

Leave to File an Amended Complaint, ECF No. 8, is **DENIED**. Plaintiff's second motion for leave to proceed as a pauper, ECF No. 9, is **DENIED**." The Clerk shall close the file.

SO ORDERED on August 25, 2017.

s/Mark E. Walker
United States District Judge