

**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.

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**ORDER DENYING MOTION TO AMEND COMPLAINT
and MOTION TO PROCEED IN FORMA PAUPERIS**

This Court entered its Order Accepting Report and Recommendation, over the objections of Plaintiff, on August 25, 2017. This Court dismissed Plaintiff's complaint without prejudice as malicious for abuse of the judicial process. Plaintiff has now filed his Motion Objecting to Magistrate's August 25, 2017, Order (ECF No. 12). ECF No. 14. This Court shall treat the Magistrate Judge's Order of August 25, 2017, ECF No. 12, as a Report and Recommendation, and Plaintiff's Motion, ECF No. 14, as an objection to the Report and Recommendation. Accordingly,

IT IS ORDERED:

The report and recommendation of the Magistrate Judge, ECF No. 12, is accepted and adopted over the objections of Plaintiff, ECF No. 14. Plaintiff's motion 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 September 13, 2017.

s/Mark E. Walker
United States District Judge