

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

DANIEL K. MAXWELL,

Plaintiff,

v.

Case No. 4:17cv353-MW/GRJ

BRIAN A. HIGGINS,

Defendant.

**AMENDED
ORDER ACCEPTING REPORT AND RECOMMENDATION**

This Court has considered, without hearing, the Magistrate Judge's Report and Recommendation. ECF No. 5. Upon consideration, no objections having been filed by the parties,¹

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)(2)(B)(ii) for failure to state a

¹ Plaintiff previously filed his Notice of Extension of Necessary Time, ECF No. 10, on October 3, 2017. This Court granted the motion and withdrew its Order Accepting Report and Recommendation, ECF No. 8, allowing Plaintiff an extension to file objections to November 6, 2017. ECF No. 11. To date, Plaintiff has not filed objections to the report and recommendation.

claim upon which relief may be granted and pursuant to *Younger v. Harris*, 401 U.S. 37 (1971).” The Clerk shall close the file.

SO ORDERED on November 15, 2017.

s/Mark E. Walker
United States District Judge