

**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.**

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**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,

**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. § 1914(e)(2)(B)(ii) for failure to state a 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 September 29, 2017.**

**s/Mark E. Walker**

**United States District Judge**