

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

GARY LEE SMITH,

Plaintiff,

v.

CASE NO. 4:18cv86-RH/CAS

SENATOR BILL NELSON, and
REPRESENTATIVE DUNN,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation, ECF No. 5. No objections have been filed.

The report and recommendation concludes, and by failing to object the plaintiff apparently acquiesces in the conclusion that, the plaintiff has at least three "strikes" under 28 U.S.C. § 1915(g) and has not alleged that he is in imminent danger of serious physical injury. The plaintiff therefore cannot proceed *in forma pauperis*.

The complaint also obviously fails to state a claim on which relief can be granted.

Based on the failure to pay the filing fee or qualify to proceed *in forma pauperis*,

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed without prejudice." The clerk must close the file.

SO ORDERED on May 22, 2018.

s/Robert L. Hinkle
United States District Judge