

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

BRUCE A. LING, JR.,

Plaintiff,

v.

CASE NO. 4:18cv101-RH/CAS

D. STOLTZFUS, SLPN et al.,

Defendants.

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**ORDER OF DISMISSAL**

This case is before the court on the magistrate judge's report and recommendation, ECF No. 12, and the objections, ECF No. 13. I have reviewed de novo the issues raised by the objections. The report and recommendation correctly concludes that the amended complaint fails to state a claim on which relief can be granted.

In the objections, the plaintiff asks for leave to amend further. But the plaintiff has alleged no facts that would be sufficient to state a claim. Flu shots are routinely given; merely giving a flu shot is not negligent, let alone deliberately indifferent. And the report and recommendation correctly concludes that the action is barred by the statute of limitations.

IT IS ORDERED:

The report and recommendation is accepted and adopted as the court's opinion. The clerk must enter judgment stating, "This case is dismissed for failure to state a claim upon which relief may be granted." The clerk must close the file.

SO ORDERED on July 16, 2018.

s/Robert L. Hinkle  
United States District Judge