

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

MARCUS B. HARRIS,

Plaintiff,

v.

4:18cv198–WS/CAS

JULIE L. JONES, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
AMENDED SECOND REPORT AND RECOMMENDATION

Before the court is the magistrate judge's amended second report and recommendation (doc. 36) docketed July 16, 2018. The magistrate judge recommends that the plaintiff's case be dismissed for failure to state a claim. The plaintiff has filed objections (docs. 38 & 39) to the report and recommendation.

Having reviewed the record in light of the plaintiff's objections, the court finds that the magistrate judge's amended second report and recommendation is due to be adopted because the plaintiff has, indeed, failed to state a claim upon which relief may be granted as to any of the defendants. Accordingly, it is

ORDERED:

1. The magistrate judge's amended second report and recommendation (doc. 36) is hereby ADOPTED and incorporated by reference in this order.

2. The plaintiff's amended complaint and this action are DISMISSED for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. The clerk shall enter judgment stating: "All claims are dismissed."

4. The clerk shall note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

5. The plaintiff's motion (doc. 35) for stay pending exhaustion is DENIED.

DONE AND ORDERED this 21st day of August, 2018.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE