

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

JAMIE RAYE BARNHILL

Plaintiff,

v.

Case No. 4:18cv564-MW/MAF

**MARK S. INCH,
SEC'Y, FLORIDA DEP'T OF CORR.,**

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. 57, and has also reviewed *de novo* Plaintiff's objections to the report and recommendation, ECF No. 62. Accordingly,

IT IS ORDERED:

The report and recommendation is **accepted and adopted**, over Plaintiff's objections, as this Court's opinion. In so ruling, this Court recognizes Plaintiff's frustration. But, good or bad, *Keohane v. Fla. Dep't of Corr., Sec'y.*, 952 F.3d 1257 (11th Cir. 2020), is binding on this Court. *See Martin v. Singletary*, 965 F.2d 944, 945 n.1 (11th Cir. 1992) (holding that "the courts in this circuit" have a duty to apply the binding precedent established by published opinions even before a mandate issues).

Defendant's Motion for Summary Judgment for mootness and failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2), ECF No. 49, is **GRANTED** and Plaintiff's request for injunctive relief is **DENIED**. The Clerk shall enter judgment stating, "Plaintiff's claims against Defendant are dismissed with prejudice." The Clerk shall also close the file. This case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

SO ORDERED on October 13, 2020.

s/Mark E. Walker
Chief United States District Judge