

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

FRANKLIN C. SMITH,

Plaintiff,

v.

Case No. 4:21-cv-176-AW-MJF

OFFICER GLENDINEN, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

The magistrate judge issued a report and recommendation, concluding the court should dismiss Plaintiff's claims. ECF No. 10. In an earlier order, I gave Plaintiff an extended period to file objections. ECF No. 14.¹ He did file objections, ECF No. 18, which I have considered de novo.

According to Plaintiff's objection, "[t]his lawsuit is very simple, the defendant Officer Glendinen was successfully sued for arresting the wrong person with having knowledge that the person he arrested had nothing to do with the crime that he was arrested for." ECF No. 18 at 1. But as the magistrate judge correctly concludes, Plaintiff has not alleged facts that would support any claim against Officer Glendinen. There are no facts to support a false arrest claim—or anything else.

¹ In the meantime, Plaintiff filed a notice of appeal directly with the Eleventh Circuit. ECF No. 11. The Eleventh Circuit has since dismissed the appeal for lack of jurisdiction. ECF No. 17.

Likewise, there are no facts to support a claim against any other defendant. Plaintiff's claims will be dismissed. And because he has already had an opportunity to amend, the dismissal will be with prejudice.

The report and recommendation (ECF No. 10) is adopted and incorporated into this order. The clerk will enter a judgment that says, "Plaintiff's claims are dismissed with prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)." The clerk will then close the file.

SO ORDERED on January 10, 2022.

s/ Allen Winsor

United States District Judge