

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

BILLY CLIFTON STEWART,

Plaintiff,

vs.

CASE NO. 5:08cv280/RS-EMT

ERIC J. SMITH, Florida Commissioner  
of Education; FLORIDA DEPARTMENT OF  
EDUCATION; and FLORIDA DEPARTMENT  
OF EDUCATION, DIVISION OF VOCATIONAL  
REHABILITATION,

Defendants.

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**ORDER**

Before me are the Magistrate Judge's Order, Report and Recommendation (Doc. 58) and Plaintiff's Objections (Doc. 59). I have considered Plaintiff's objections *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Order, Report and Recommendation is adopted and incorporated in this Order.
2. This case is dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) and (iii) for failure to state a claim on which relief may be granted and for seeking monetary relief against a defendant who is immune from that relief.
3. Plaintiff's Motion For Reconsideration (Doc. 60) and Motion To Accept Exhibits (Doc. 61) are denied as moot.

4. The clerk is directed to enter judgment for Defendants and to close the file.

**ORDERED** on November 17, 2010.

/S/ Richard Smoak

**RICHARD SMOAK**

**UNITED STATES DISTRICT JUDGE**