

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

JOSEPH N. MONTELEONE,

Plaintiff,

v.

CASE NO. 5:09cv202-RH/MD

JOHN PALMER et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's report and recommendation (document 11) and the objections (document 12). I have reviewed *de novo* the issues raised by the objections. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The clerk must enter judgment stating, "The complaint is dismissed under 28 U.S.C. § 1915(e)(2)(B)." The clerk must close the file.

SO ORDERED on September 21, 2009.

s/Robert L. Hinkle
United States District Judge