

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

CHARLES JEROME SMITH,

Plaintiff,

vs.

CASE NO. 5:09cv230/RS-MD

SHAWN BUTLER, et al,

Defendants.

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 12).

Plaintiff has not filed objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This case is dismissed without prejudice as malicious pursuant to 28 U.S.C. §1915(e)(2)(B)(i) because of Plaintiff's abuse of the judicial process.
3. The clerk is directed to close the file.

ORDERED on March 29, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE