

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

BILLY CLIFTON STEWART,

Plaintiff,

v.

CASE NO. 5:09-cv-285-RS-CJK

**FLORIDA DEPARTMENT OF EDUCATION
& VOCATIONAL REHABILITATION
DIVISION, et al.,**

Defendants.

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 58).

No objections have been filed.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Plaintiff's claims are **DISMISSED with prejudice** under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. The clerk is directed to close the file.

ORDERED on April 27, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE