

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

DAVID EUGENE GRAHAM,

Plaintiff,

vs.

CASE NO. 5:10cv27/RS-EMT

OFFICER M. NEEL., et al,

Defendants.

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ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 18) and Plaintiff's Specific Written Objections (Doc. 22). I have considered Plaintiff's objections *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Order and Report and Recommendation is approved and incorporated in this Order.
2. This case is dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
3. The clerk is directed to enter judgment for Defendants and to close the file.

ORDERED on November 5, 2010.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE