

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

MILTON EARL MCFARLANE,

Plaintiff,

v.

CASE NO. 5:10cv223-SPM/GRJ

BENNY R. INGRAM, et al.,

Defendants.

_____ /

ORDER

THIS CAUSE comes before the Court upon the Magistrate Judge's report and recommendation (doc. 10) dated November 24, 2010. Plaintiff was furnished a copy, and has filed a "Motion for Relief," dated December 8, 2010, (doc. 14), which will be treated as an objection. Plaintiff also filed requests for extensions of time to file a prison trust account statement (doc. 12) and to complete legal work (doc. 13).

Pursuant to Title 28, United States Code, Section 636(b)(1), I find that the report and recommendation should be adopted. As explained in the report and recommendation and the Magistrate Judge's order directing Plaintiff to amend his complaint (doc. 6) , federal courts do not operate as appellate courts for prison

disciplinary proceedings.¹ A federal court's review of prison disciplinary proceedings is very limited, and Plaintiff has not alleged any viable federal claims regarding his disciplinary proceedings. Accordingly it is

ORDERED AND ADJUDGED:

1. The report and recommendation (doc. 10) is adopted and incorporated by reference in this order.
2. This case is dismissed for failure to state a claim for relief.
3. The requests for extensions of time (docs. 12 and 14) are denied as moot.

DONE AND ORDERED this 15th day of December, 2010.

s/ Stephan P. Mickle

Stephan P. Mickle
Chief United States District Judge

¹ In Florida, appellate review of prison disciplinary proceedings is available by petition for writ of mandamus to the state circuit court after exhaustion of administrative remedies. See Stokes v. Dep't of Corr., 948 So.2d 75, 76 n.1 (Fla. 1st DCA 2007).