

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

BERLIE DANIELS, JR.,

Plaintiff,

v.

CASE NO. 5:11cv358-MP-GRJ

Bill McCOLLUM, et al.,

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 27, 2012. (Doc. 6). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. This case is DISMISSED pursuant to 28 U.S.C. § 1915(g) because Plaintiff has three strikes and pursuant to 28 U.S.C § 1915(e)(2)(B) because Plaintiff's claim is frivolous.
3. The dismissal of this case counts as a strike pursuant to 28 U.S.C § 1915(g).
4. Plaintiff's motion for leave to proceed as a pauper (doc. 3) is DENIED.

DONE and ORDERED this 28th day of February, 2012.

s/ M. Casey Rodgers

**M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE**