

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

DENNIS A. BARNES,

Plaintiff,

v.

CASE NO. 5:12-cv-79-RS-CJK

KEN DAVIS, et al.,

Defendants.

/
ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 15).

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 second amended complaint (Doc. 14) is **DISMISSED with prejudice** under 28 U.S.C. § 1915(e)(2)(B)(ii) and for failure to state a claim upon which relief may be granted.
3. The clerk is directed to close the file.

ORDERED on May 31, 2013.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE