

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

**MIGUEL VALDEZ RODRIGUEZ, #196223,**

**Plaintiff,**

**vs.**

**CASE NO. 5:12-cv-118/RS-EMT**

**WARDEN COLDPEPPER, et al.,**

**Defendants.**

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**ORDER**

Before me is the Magistrate Judge's Report and Recommendation (Doc. 4). No objections have been filed.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Pursuant to 28 U.S.C. § 1915(g) the case is **DISMISSED without prejudice** to Plaintiff's initiating a new cause of action accompanied by payment of the \$350.00 filing fee in its entirety.

**ORDERED** on June 8, 2012.

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**