

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

SHERMAN SOLOMON,

Plaintiff,

v.

CASE NO. 5:12-cv-276-RS-CJK

**KEEFE COMMISSARY
NETWORK LLC,**

Defendant.

_____ /

ORDER

Before me is the Magistrate Judge's Report and Recommendation (Doc. 6).

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Plaintiff's Amended Complaint (Doc. 5) is **DISMISSED without prejudice** as malicious under 28 U.S.C. § 1915(e)(2)(B)(i) for Plaintiff's abuse of the judicial process.
3. The certificate of appealability is **DENIED**.
4. The Clerk is directed to close the file.

ORDERED on November 15, 2012.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE