

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**MELVIN PEREZ,**

**Plaintiff,**

**v.**

**CASE NO. 5:13-cv-8-RS-CJK**

**KIM M. GRANT,**

**Defendant.**

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**ORDER**

Before me are the Magistrate Judge's Report and Recommendation (Doc. 35) and Plaintiff's Objections (Doc. 36). I have considered Petitioner's objections *de novo*.

**IT IS ORDERED:**

1. The Magistrate Judge's Report and Recommendation is approved and incorporated in this Order.
2. Defendant's motion to dismiss (Doc. 25) is **GRANTED**.
3. The case is **DISMISSED with prejudice** under 28 U.S.C. § 1915(e)(2)(b)(ii) for Plaintiff's failure to state a claim upon which relief may be granted.
4. The clerk is directed to close the file.

**ORDERED** on February 25, 2014.

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