

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

**ANDREW MITCHELL,**

**Plaintiff,**

**v.**

**Case No. 5:13cv179/LC/CJK**

**L. MILLER, et al.,**

**Defendants.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated November 18, 2013 (doc. 12). Plaintiff has been furnished a copy of the Report and Recommendation and has 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 the timely filed objections.

Having considered the Report and Recommendation, and the objections thereto 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 WITHOUT PREJUDICE** as malicious under 28 U.S.C. §1915(e)(2)(B)(i) for plaintiff's abuse of the judicial process.
3. The Clerk is directed to close the file.

**DONE AND ORDERED** this 3<sup>rd</sup> day of December, 2013.

*s/L.A. Collier*

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**LACEY A. COLLIER  
SENIOR UNITED STATES DISTRICT JUDGE**