

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

JAMES NEWTON,

Plaintiff,

v.

CASE NO. 5:15-cv-00213-MP-GRJ

ORTIZ,

Defendant.

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**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated August 31, 2015. (Doc. 5). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). The time for filing objections has passed, and none have been filed.

Having considered the Report and Recommendation, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. This case is DISMISSED for abuse of the judicial process and for failure to state a claim upon which relief may be granted. The dismissal is without prejudice but the dismissal should operate as a strike pursuant to 28 U.S.C. § 1915(g).

**DONE AND ORDERED** this 21st day of October, 2015

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge