

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

GABRIEL GONZALEZ,  
Fed. Reg. No. 30515-112  
Plaintiff,

vs

CASE NO: 5:16cv34

KENDES ARCHER, M.D., et al,  
Defendants.

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**ORDER**

The Chief Magistrate Judge's Report and Recommendation (doc 6) recommended the complaint in this case be dismissed for failure to state a claim upon which relief may be granted. With no objection being filed, this Court adopted the Report and Recommendation and Dismissed the case (doc 7). Plaintiff, claiming he failed to receive notice, moved for reconsideration and was provided additional time to file objections to the Report and Recommendation (doc 10). Although late, Plaintiff has now filed a document entitled "Motion For Reconsideration" (doc 11) which the Court accepts as timely filed objections to the Report and Recommendation. Reconsideration having been previously granted (doc 10), this Court's Order (doc 7) and the Clerk's Judgment (doc 8) are withdrawn

Having reconsidered the Report and Recommendation and having now made a de novo determination of the objections filed, I have determined again that the

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Report and Recommendation should be adopted..

Accordingly, it is now **ORDERED** as follows:

1. The Chief Magistrate's Report and recommendation is adopted and incorporated by reference in this order.

2. The complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

3. This dismissal should be deemed a "strike" for purposes of 28 U.S.C. § 1915(g).

**ORDERED** this 3<sup>rd</sup> day of March 2017.



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