

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION

WILLIE ALBERT SMITH,

Plaintiff,

v.

Case No. 5:16cv349/LC/CJK

S. MCAFFEE-GARNER, et al.,

Defendants.

\_\_\_\_\_ /

ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated January 11, 2017 (doc. 4). 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). No objections have been filed.

After reviewing the Report and Recommendation, the Court has determined that it should be adopted.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 4) is adopted and incorporated by reference in this order.

2. Plaintiff's motion to proceed *in forma pauperis* (doc. 2) is DENIED, and this

action is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1915(g).

3. The clerk is directed to close the file.

**DONE AND ORDERED** this 10<sup>th</sup> day of February, 2017.

s/L.A. Collier  
**LACEY A. COLLIER**  
**SENIOR UNITED STATES DISTRICT JUDGE**