

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

WILLIE ALBERT SMITH,

PLAINTIFF,

-vs-

Case No. 5:16-cv-00350-WTH-GRJ

SECRETARY OF THE FLORIDA
DEPARTMENT OF CORRECTIONS,
ET AL.,

DEFENDANTS.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING CASE WITHOUT PREJUDICE**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation. (Doc. 4). 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). Plaintiff has filed objections at Docs. 6 and 7. I have made a de novo review based on those objections. Having considered the Report and Recommendation, and the timely filed objections, I have determined that the Report and Recommendation should be adopted.

The plaintiff's complaints of generalized threats of violence and non-specific complaints that jail officials were interfering with his pre-dialysis diet do

not suffice to show that plaintiff is subject to an imminent threat of serious physical injury. Accordingly, the magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order. The motion for leave to proceed in forma pauperis, Doc. 2, is denied. The Clerk is directed to enter judgment which states as follows: "Plaintiff's complaint is dismissed without prejudice pursuant to the 28 U.S.C. § 1915(g) three-strikes bar." The Clerk is directed to close the file.

IT IS SO ORDERED.

DONE and ORDERED at Gainesville, Florida this 18th day of July, 2017.



UNITED STATES DISTRICT JUDGE

Copies to: