

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

**DENNIS COX,**

**Plaintiff,**

**vs.**

**Case No.: 5:17cv45/MCR/CJK**

**M. NICHOLS, et al.,**

**Defendants.**

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**O R D E R**

This cause comes before the Court on consideration of the Magistrate Judge's Amended Report and Recommendation dated April 6, 2017 (ECF No. 11). 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 Court has made a *de novo* determination of any timely filed objections.

Having considered the Amended Report and Recommendation, the Court has determined that the Amended Report and Recommendation should be adopted.

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

1. The Magistrate Judge's Amended Report and Recommendation is adopted and incorporated by reference in this order.
2. This action is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious.
3. The Clerk is directed to close the file.

**DONE AND ORDERED** this 25th day of April 2017.

*M. Casey Rodgers*  
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**M. CASEY RODGERS**  
**CHIEF UNITED STATES DISTRICT JUDGE**