

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

JIMMY BRIAN SCHOBERT,
Inmate No. C-240043,
Plaintiff,

vs.

Case No.: 5:17cv69/MCR/EMT

OFFICER SWEATT
and OFFICER LAVETTE,
Defendants,

ORDER

This cause comes before the Court on consideration of the Chief Magistrate Judge's Report and Recommendation dated April 4, 2017 (ECF No. 3). 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). The Court has made a de novo determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, the Court has determined that the Report and Recommendation should be adopted.

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

1. The Chief Magistrate Judge's Report and Recommendation is adopted

and incorporated by reference in this order.

2. Pursuant to 28 U.S.C. § 1915(g), this cause is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's initiating a new cause of action accompanied by payment of the \$400.00 filing fee in its entirety.

DONE AND ORDERED this 4th day of May 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE