

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

JOHNNY WELCH,

Plaintiff,

v.

CASE NO. 5:17cv73/MCR/GRJ

CARTER, et al.,

Defendants.

_____/

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated March 23, 2017. ECF No. 5. The parties have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

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

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

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.

2. Plaintiff's motion for leave to proceed as a pauper, ECF No. 6, is **DENIED**. This case is **DISMISSED** for failure to state a claim upon which relief may be granted.

3. The clerk is directed to close the file.

DONE AND ORDERED this 4th day of April, 2017.

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