

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

DERRICK A. GORDON,

Plaintiff,

v.

Case No. 5:17cv129/MCR/CJK

D. W. MADDOX, et al.,

Defendants.

ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated May 10, 2017. ECF No. 5. 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).¹ After reviewing any timely objections to the Recommendation, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is ORDERED:

1. The Magistrate Judge's Report and Recommendation, ECF No. 5, is adopted and incorporated by reference in this order.

¹ Plaintiff's Petition for Writ of Mandamus, ECF No. 6, will be construed as an objection to the pending Report and Recommendation and therefore denied.

2. This action is **DISMISSED WITHOUT PREJUDICE** as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), for plaintiff's abuse of the judicial process.

3. Petitioner's mandamus petition seeking access to the law library (doc. 6) is **DENIED**.

4. The Clerk is directed to close the file.

DONE AND ORDERED this 30th day of May, 2017.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE