

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

**JESSE ELIJAH ROGERS,**

**Plaintiff,**

v.

**CASE NO. 5:17cv161-MCR-GRJ**

**SHERIFF JOHN TATE,**

**Defendant.**

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated January 10, 2018. ECF No. 12. 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 to recall opinion and reopen case", construed as a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b), ECF No. 10, is **DENIED**.

3. Plaintiff's Motion for Transport, ECF No. 13, and restated Motion to Recall Opinion and Reopen Case, ECF. No. 16, are **DENIED**.

**DONE AND ORDERED** this 8th day of February 2018.

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