

**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 June 21, 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. This case is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. The dismissal of this case operates as a “strike” pursuant to 28 U.S.C. § 1915(g).

3. The clerk is directed to close the file.

DONE AND ORDERED this 10th day of July, 2017.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE