

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

JESSE ELIJAH ROGERS,
Inmate No. 590268959,

Plaintiff,

v.

CASE NO. 5:17cv270/MCR/EMT

JOHN TATE, KYLE HUDSON, and
HOLMES COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendants.

_____ /

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated December 20, 2017. ECF No. 6. 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). 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 chief magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This cause is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as malicious and that Plaintiff be assessed a "strike" under 28 U.S.C. § 1915(e).

DONE AND ORDERED this 23rd day of January 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE