

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

JESSE ELIJAH ROGERS,
Inmate No. 590268959,
Plaintiff,

v.

CASE NO. 5:17cv294/MCR/EMT

HOLMES COUNTY BOARD OF
COUNTY COMMISSIONERS, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the chief magistrate judge's Report and Recommendation dated December 22, 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). 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 5th day of January 2018.

s/ M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE