

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

KEVIN L. BLAKE,

Plaintiff,

v.

Case No. 5:20-cv-137-RV/MJF

G. GANDY, *et. al.*,

Defendants.

\_\_\_\_\_ /

**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated April 15, 2021 (ECF No. 28). The parties have been furnished a copy of the Report and Recommendation and 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 the timely filed objections.

Having considered the Report and Recommendation, and the timely filed objections thereto (ECF No. 29), I have determined that the Report and Recommendation should not be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The Magistrate Judge's Report and Recommendation is not adopted because it appears that the two cases against the Orange County Sheriff's Office, Case Nos. 6:19cv494 and 6:19cv72, are actually the same case. Therefore, the

plaintiff did disclose all of his initiated actions in state and federal courts, and there was no omission to be penalized.

2. This action is remanded to the Magistrate Judge for further proceedings.

**DONE AND ORDERED** this 27th day of April, 2021.

*s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**

**SENIOR UNITED STATES DISTRICT JUDGE**