

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

ROBERT J. TLUSTY,

Plaintiff,

v.

Case No. 5:23-cv-319-MCR-MJF

D. SWAIN, et al.,

Defendants.

ORDER

This cause is before the Court on consideration of the Magistrate Judge's Report and Recommendation dated May 6, 2024. ECF No. 23. Plaintiff was furnished a copy of the Report and Recommendation and was afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). The Court has made a *de novo* determination of all timely filed objections.

Having considered the Report and Recommendation and all objections thereto timely filed, the Court concludes that the Report and Recommendation should be adopted.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation, ECF No. 23, is adopted and incorporated by reference into this Order.

2. This action is **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b), for failure to state a claim upon which relief can be granted.

3. The clerk of court will enter judgment accordingly and close this case file.

DONE AND ORDERED this 4th day of June 2024.

M. Casey Rodgers

M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE