

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 09-60825-CIV-HUCK/WHITE

KEVIN BURKS JERSHUN,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

CLOSED  
CIVIL  
CASE

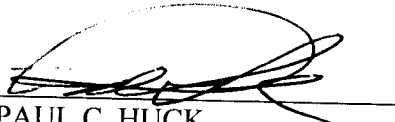
**ORDER ADOPTING REPORT AND RECOMMENDATION**

THIS CAUSE is before the Court upon Petitioner's Complaint Under the Civil Rights Act, 42 U.S.C. § 1983 (D.E. #1) filed June 3, 2009. The Honorable Patrick A. White, United States Magistrate Judge, issued a Report and Recommendation on the Complaint (D.E. #8), filed July 7, 2009, recommending that the Complaint be 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 Court has independently reviewed the Report and Recommendation, and the record. Being otherwise duly advised, the Court adopts the findings of fact and conclusions as in the report. Additionally, the Court finds that Petitioner cannot state a claim upon which relief may be granted at this time and therefore giving the Petitioner leave to amend is pointless. Accordingly, it is hereby

ORDERED AND ADJUDGED that Petitioner's Complaint is dismissed without prejudice, the Report is ADOPTED, and the clerk shall CLOSE the case.

DONE AND ORDERED in chambers, Miami, Florida, July 31, 2009.

  
PAUL C. HUCK  
United States District Judge

**Copies Furnished To:**

Magistrate Judge Patrick A. White  
All Counsel of Record