

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-60964-CIV-DIMITROULEAS

MANN-RICOT MASSIEU,

Plaintiff,

Magistrate Judge White

vs.

BROWARD SHERIFF OFFICE, and
HOLLYWOOD POLICE DEPARTMENT,Defendants.

ORDER APPROVING REPORT AND RECOMMENDATION
ORDER DISMISSING COMPLAINT PURSUANT TO 28 U.S.C. § 1915

THIS CAUSE is before the Court upon the Report and Recommendation [DE 12] of Magistrate Judge Patrick A. White, filed on December 17, 2009. The Court notes that the Plaintiff, Mann-Ricot Massieu, has not filed any objections to the Report and Recommendation, and that the time for filing such objections has passed. As no timely objections were filed, any factual findings by the Magistrate Judge in this Report are hereby adopted and deemed incorporated into this opinion. LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988); RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993).

Even though no timely objections were filed, the Court has conducted a *de novo* review of the Report and Recommendation [DE 12], the underlying complaint [DE 1], and is otherwise fully advised in the premises. This Court agrees with the reasoning and analysis of the Magistrate Judge that the instant Complaint should be dismissed as time-barred and barred by

Heck v. Humphrey. 512 U.S. 477, 486-87 (1994). Plaintiff has filed his complaint outside the four-year statute of limitations, and his claims of innocence are procedurally barred.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Magistrate Judge's Report and Recommendation [DE 12] is hereby **ADOPTED**;
2. The Complaint [DE 1] in this case is hereby **DISMISSED with prejudice**;
3. The Clerk may close this case;
4. All other pending motions are hereby **DENIED as moot**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this
13th day of January, 2010.


WILLIAM P. DIMITROULEAS
United States District Judge

copies to:

Magistrate Judge White

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