

United States District Court
for the
Southern District of Florida

Keith R. Wheeler, Petitioner,)	
)	
v.)	Case No. 17-60523-Civ-Scola
)	
Broward Sheriff's Office,)	
Respondent.)	

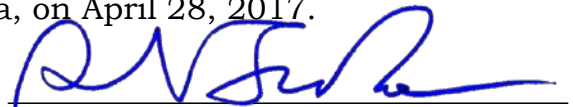
Order Adopting Magistrate Judge's Report And Recommendation

This case was referred to United States Magistrate Judge Patrick A. White, consistent with Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, nondispositive matters and for a Report and Recommendation on any dispositive matters. On March 23, 2017, Judge White issued a Report, recommending that Petitioner Keith R. Wheeler's 42 U.S.C. § 1983 lawsuit, complaining about his access to the law library in prison, be dismissed. (Report of Magistrate, ECF No. 7.) Wheeler has not filed any objections to the report and the time to do so has passed.

The Court has considered Judge White's report, the record, and the relevant legal authorities. As Judge White points out, in order to properly state a claim for deprivation of access to the prison law library, a defendant must show an actual injury in the pursuit of certain types of nonfrivolous cases. Since Wheeler has not alleged that he has been hindered in any way from pursuing this civil rights claim or any other civil or criminal case, he fails to state a claim for denial of access to the courts.

The Court finds Judge White's report and recommendation cogent and compelling. The Court **affirms and adopts** Judge White's report and recommendation (**ECF No. 7**). The Court thus **dismisses** Wheeler complaint **with prejudice**. This dismissal is without leave to amend because, as found by Judge White, based on the allegations set forth in the complaint, any amendment would be futile. Finally, the Court directs the Clerk to **close** this case.

Done and Ordered at Miami, Florida, on April 28, 2017.



Robert N. Scola, Jr.
United States District Judge