

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

VERNON JAMES EWELL,

Plaintiff,

v.

CASE NO. 1:06-cv-00048-MP-AK

CHARLES CRIST,  
FLORIDA DEPARTMENT OF CORRECTIONS,  
JAMES MCDONOUGH,  
LOUIS VARGAS,

Defendants.

---

**ORDER**

This matter is before the Court on Doc. 57, Report and Recommendation of the Magistrate Judge, recommending that the complaint of the Plaintiff be dismissed for failure to exhaust administrative remedies. The Plaintiff alleged that the Florida Department of Corrections held him past the legal completion date of his sentence and wrongfully terminated his probation. The Magistrate Judge pointed out that the Plaintiff did not offer any proof of his completion of the three steps of the grievance process for claims against the Department of Corrections. In his objections, the Plaintiff argues that his claim is really against the Parole board and so he does not have to comply with the Department of Corrections exhaustion requirements. That is not what the Second Amended Complaint alleges, however. First, the only defendants he names are the DOC itself, officers of the DOC, and then Attorney General Crist. As for Defendant Crist, Plaintiff complains that he did not "assist his employer of my release from the Florida Department of Corrections timely and correctly." [sic]. Second, in Part III, he was asked, "Does your complaint concern events occurring within the Florida Department

of Corrections?" and he answered "Yes." In sum, the Second Amended Complaint on its face concerns events within the DOC and therefore the DOC exhaustion requirements are triggered.

Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. The Report and Recommendation of the Magistrate Judge is adopted and incorporated herein.
2. This case is dismissed with prejudice, and the Clerk is directed to close the file.

**DONE AND ORDERED** this 11th day of September, 2008

*s/Maurice M. Paul*

---

Maurice M. Paul, Senior District Judge