

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

KEITH K JOINER,

Petitioner,

v.

CASE NO. 1:07-cv-00181-MP-AK

JAMES MCDONOUGH, WALTER MCNEIL,

Respondents.

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ORDER

This matter is before the Court on Doc. 26, Report and Recommendation regarding the Response Moving to Dismiss, Doc. 13, filed by James McDonough. After careful analysis of the relevant exhaustion claim, the Magistrate recommended that the Response Moving to Dismiss, which the Court has interpreted as a Motion to Dismiss, be denied. Respondents have filed no objections, and the time for doing so has passed. Finding no plain error, it is hereby

ORDERED AND ADJUDGED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 26, is ADOPTED and incorporated herein.
2. The Response Moving to Dismiss, Doc. 13, is DENIED.
3. This cause is remanded to the Magistrate Judge for further appropriate proceedings.

DONE AND ORDERED this 25th day of September, 2009

s/Maurice M. Paul

Maurice M. Paul, Senior District Judge