

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

KENNETH MARTIN BOGGS,
Plaintiff,

vs.

Case No. 3:12cv370/RV/CJK

MARIA IRENE LUCAS, et al.,
Defendants.

ORDER

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated May 8, 2013. (Doc. 16). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of objections filed.

Having considered the Report and Recommendation, and the timely filed objections thereto (doc. 17), I have determined that the Report and Recommendation should be adopted.

Accordingly, it is now ORDERED as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. The plaintiff appears to have a dual grievance against Inspector Lucas: that she confiscated his state habeas corpus petition and associated documents instead of mailing them and that she has refused to return them. These actions may be ongoing, as plaintiff contends, but the only request seems to be his grievance of

September 6, 2010, to which Lucas responded on September 17, 2012, and which plaintiff did not further appeal. I will give plaintiff an opportunity to make a proper request and, if applicable, to exhaust his administrative remedies.

3. This case is DISMISSED, WITHOUT PREJUDICE, under 28 U.S.C. § 1915A(b)(1) for plaintiff's failure to state a claim upon which relief may be granted. Plaintiff is granted leave to file an amended complaint (with this case number and specifically referencing this authority) within six months from the date of this order, if he has then exhausted his administrative remedies. If he does not do so within six months, then this dismissal shall be with prejudice and this case closed.

DONE AND ORDERED this 29th day of May, 2013.

/s/ Roger Vinson

ROGER VINSON
SENIOR UNITED STATES DISTRICT JUDGE