

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

RICHARD JACKSON,

Plaintiff,

v.

Case No. 3:13cv174/MCR/CJK

MICHAEL D. CREWS, et al.,

Defendants.

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ORDER

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on June 3, 2014 (doc. 129), pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation (doc. 137) and the Response (doc. 138), the Recommendation is adopted as the Order of the Court.¹

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 129) is adopted and incorporated by reference in this Order.
2. Defendants' motion to dismiss (doc. 115) is **GRANTED**.
3. This case is **DISMISSED** under 28 U.S.C. § 1915A for plaintiff's failure to state a claim upon which relief may be granted (failure to properly exhaust available administrative remedies).
4. The Clerk is directed to close the file.
5. Plaintiff's request that he not be required to pay a second filing fee should he re-

¹ The conclusion reached in the Recommendation and adopted by this Court is also consistent with a recently filed and analogous Eleventh Circuit opinion affirming the dismissal of a federal prisoner's civil rights *Bivens* claims for failure to exhaust available administrative remedies. See *West v. Peoples*, No. 13-15113, 2014 WL 4852114, at *2 & n.4 (11th Cir. Oct. 1, 2014) (noting the record did not support a finding that prison officials had obstructed efforts to exhaust administrative remedies at the regional level where the prisoner had filed multiple grievances at the regional level and also had received instructions on how to correct the deficiency in his filing yet failed to complete the administrative review process).

file this action (doc. 120, p. 10) is **DENIED**.

DONE AND ORDERED this 7th day of October, 2014.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE