

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

**ANIBAL SAN ANTONIO,**

**Plaintiff,**

**vs.**

**Case No. 3:13cv528/RV/CJK**

**MARK HENRY, et al.,**

**Defendants.**

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**ORDER**

Upon consideration of the Report and Recommendation of the Magistrate Judge filed on December 23, 2013 (doc. 12), pursuant to 28 U.S.C. § 636(b)(1)(B), and after reviewing objections to the Recommendation (doc. 13), the Recommendation is adopted as the opinion of the Court.

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 12) is adopted and incorporated by reference in this order.

2. Defendant's Motion to Dismiss with Prejudice (doc. 4) is GRANTED to the following extent:

a. Plaintiff's state law claims against the defendants are DISMISSED WITH PREJUDICE for failure to state a claim on which relief may be

granted (barred by Florida's statute of limitations).

b. Plaintiff's federal law claims against the defendants are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim on which relief may be granted (failure to exhaust administrative remedies).

3. The clerk shall close the file.

DONE AND ORDERED this 2<sup>nd</sup> day of January, 2014.

*/s/ Roger Vinson* \_\_\_\_\_

**ROGER VINSON**

**SENIOR UNITED STATES DISTRICT JUDGE**