

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

MICHAEL QUINCY SANDERS,

Plaintiff,

v.

Case No. 3:17cv803-TKW-MJF

CHIEF WILLIAMS, et al.,

Defendants.

ORDER

This case is before the Court based upon the magistrate judge’s Report and Recommendation (Doc. 73). No objections to the Report and Recommendation were filed. Having reviewed the Report and Recommendation, I agree with the magistrate judge’s determination that Plaintiff’s claims against Defendants Williams and Crawford should be dismissed with prejudice for failure to exhaust administrative remedies. I also agree that Plaintiff’s claims against Defendant Johns should be dismissed for failure to state a claim based on Plaintiff’s concession that the motion to dismiss is “well taken” as to Johns since “there is no allegation of serious physical injury or harm to [Plaintiff] which resulted from th[e] action of Johns,” Doc. 70, at 6;¹ however, based on Plaintiff’s concessions (and the fact that

¹ This filing also states that “Plaintiff is filing a notice of voluntary dismissal without prejudice as to Sergeant Johns,” but the notice was never filed. The Court is not inclined to treat this statement as a voluntary dismissal of the claims against Defendant Johns because (1) the

Plaintiff was on his sixth amended complaint), the Court finds that the claims against Johns should be dismissed with prejudice, not without prejudice as recommended by the magistrate judge.

Accordingly, it is **ORDERED** that:

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. Defendants' motion to dismiss (Doc. 67) is **GRANTED**, and the claims against Defendants Williams, Crawford, and Johns in the sixth amended complaint (Doc. 53) are **DISMISSED with prejudice**.
3. The Clerk shall close the case file.

DONE and ORDERED this 25th day of October, 2019.

T. Kent Wetherell, II

T. KENT WETHERELL, II
UNITED STATES DISTRICT JUDGE

statement indicates that a separate notice will be filed, and (2) Fed. R. Civ. P. 41(a) contemplates a stand-alone filing.