

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

FRANK EDWIN PATE,

Petitioner,

v.

Case No. 3:21cv1049-MCR-HTC

M V JOSEPH WARDEN,

Respondent.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's Report and Recommendation dated December 13, 2021 (ECF No. 7), which recommends this case be dismissed *sua sponte* for Petitioner's failure to exhaust his administrative remedies. Petitioner was furnished a copy of the Report and Recommendation and 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 all timely filed objections.

Having considered the Report and Recommendation and any duly filed objections, 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 (ECF Doc. 7) is adopted and incorporated by reference in this order.

(2) The petition under 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE** for Petitioner's failure to exhaust his administrative remedies.

(3) The Clerk is directed to close the file.

**DONE AND ORDERED** this 10<sup>th</sup> day of January 2022.

*M. Casey Rodgers*

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**M. CASEY RODGERS**  
**UNITED STATES DISTRICT JUDGE**