

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

JEFFERY RASHAD MIDDLETON,

Plaintiff,

v.

CASE NO. 4:08cv452-RH/WCS

SCOTT G. MAY et al.,

Defendants.

**ORDER DISMISSING CLAIMS AGAINST THE
DEFENDANTS BOCKELMAN AND MILLENDER**

This case is before the court on the magistrate judge's second report and recommendation (document 79) and the objections (document 86). I have reviewed *de novo* the issues raised by the objections. Upon consideration,

IT IS ORDERED:

The report and recommendation is ACCEPTED and adopted as the court's opinion. The defendant Lance Bockelman's motion to dismiss (document 52), as adopted by defendant Robert R. Millender (*see* document 63), is GRANTED. The claims against these defendants are dismissed for failure to exhaust administrative remedies. I do *not* direct the entry of judgment under Federal Rule of Civil

Procedure 54(b). The case is remanded to the magistrate judge for further proceedings.

SO ORDERED on September 23, 2009.

s/Robert L. Hinkle _____
United States District Judge