

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

WILLIE MAE STUART,

Plaintiff,

vs.

CASE NO.: 4:10-CV-96-SPM/GRJ

CARBONELLY, et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court for consideration of the Magistrate Judge's Report and Recommendation (doc. 47). Plaintiff has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). Plaintiff filed objections (doc. 48). Upon consideration, and despite the Plaintiff's objections, I have determined that the Report and Recommendation is accurate and should be adopted.

Defendants filed a motion to dismiss (doc. 46) for lack of jurisdiction and failure to state a claim upon which relief may be granted arguing that Plaintiff did not exhaust her administrative remedies. The Report and Recommendation states, and this Court agrees, that because Plaintiff failed to exhaust her administrative remedies, the claims must be dismissed.

Accordingly, it is hereby ORDERED and ADJUDGED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 47) is **adopted** and incorporated by reference into this order.
2. The Motion to Dismiss (doc. 45) is **granted**.
3. The clerk is directed to close this case.

DONE AND ORDERED this 12th day of January, 2012.

S/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge