

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

RICKY RONNELL WILLIAMS,

Plaintiff,

v.

CASE NO. 4:10cv290-RH/WCS

CHIEF HEALTH OFFICER DRATLER,

Defendant.

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**ORDER OF DISMISSAL**

This prisoner civil-rights case is before the court on the magistrate judge's report and recommendation, ECF No. 31, and the objections, ECF No. 32. I have reviewed *de novo* the issues raised by the objections. The report and recommendation correctly concludes that the plaintiff did not exhaust his administrative remedies and that the case therefore must be dismissed.

One other matter deserves mention. The plaintiff filed a notice of appeal, ECF No. 33, purporting to appeal the report and recommendation to the Eleventh Circuit. The report and recommendation was not an appealable order. In due course the Eleventh Circuit will dismiss the appeal for lack of jurisdiction. The judgment that will be entered by the clerk of the court based on this order will be

an appealable order. If the plaintiff wishes to appeal, he must file a notice of appeal from the judgment.

IT IS ORDERED:

1. The report and recommendation is ACCEPTED.
2. The defendant's motion to dismiss for failure to exhaust administrative remedies, ECF No. 26, is GRANTED.
3. The plaintiff's motions not to dismiss, ECF Nos. 28 and 29, are DENIED.
4. The clerk must enter judgment stating, "The complaint is dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) based on failure to exhaust administrative remedies."
5. The clerk must close the file.

SO ORDERED on July 19, 2011.

s/Robert L. Hinkle  
United States District Judge