

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

MOLIERE DIMANCHE, JR.,

Plaintiff,

vs.

CASE NO. 4:11-cv-533-SPM/CAS

COLONEL JERRY BROWN, 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. 81). Plaintiff filed objections (doc. 82). Upon consideration, and despite Plaintiff's objections, I have determined that the Report and Recommendation is correct and should be adopted.

Defendants filed a motion to dismiss, asserting that Plaintiff failed to exhaust administrative remedies. The Report and Recommendation states, and this Court agrees, that because Plaintiff failed to exhaust administrative remedies, the motion to dismiss must be granted. Accordingly, it is

ORDERED and ADJUDGED:

1. The Magistrate Judge's Report and Recommendation (doc. 81) is **adopted** and incorporated by reference into this order.
2. Defendants' motion to dismiss (doc. 74) is **granted**.

3. Plaintiff's amended complaint (doc. 8) is **dismissed** for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997(e) and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2).
4. The clerk is directed to note on the docket that this case was dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE AND ORDERED this 6th day of June, 2012.

S/ Stephan P. Mickle

Stephan P. Mickle
Senior United States District Judge