

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

LOUIS JAMES STRIANESE

Plaintiff

v.

CASE NO. 4:12-CV-110-MW/CAS

KENNETH TUCKER,

Defendant.

ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION

The Court has considered the Magistrate's Report and Recommendation, ECF No. 48, filed April 5, 2013. Upon consideration,

IT IS ORDERED:

The report and recommendation is **accepted and adopted** as the Court's opinion. The Clerk shall enter judgment stating, "The Defendant's motion to dismiss, ECF No. 38, is **GRANTED**. This cause 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)." The Clerk shall note on the docket this cause was dismissed **pursuant to 28 U.S.C.**

§1915(e)(2)(B)(ii). The Clerk shall close the file.

SO ORDERED on April 26, 2013.

s/Mark E. Walker
United States District Judge