

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

MARCUS HARRIS, a/k/a  
MARZUQ AL-HAKIM,

Plaintiff,

v.

CASE NO. 4:14cv575-RH/GRJ

FLORIDA DEPARTMENT OF  
CORRECTIONS et al.,

Defendants.

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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. 41, the plaintiff's objections, ECF Nos. 45, and the defendants' response to the objections, ECF No. 47. I have reviewed *de novo* the issues raised by the objections and response.

As set out in the report and recommendation, the plaintiff failed to exhaust his administrative remedies prior to filing this action. This requires dismissal. *See* 42 U.S.C. § 1997e. And this makes it unnecessary to reach the other grounds for dismissal discussed in the report and recommendation.

Leave to proceed in forma pauperis has not been granted in this court. And under 42 U.S.C. § 1915(g), based on the facts set out in the report and recommendation, the plaintiff is not entitled to proceed in forma pauperis. This order explicitly revokes the leave to proceed in forma pauperis granted in state court before the action was removed. If the plaintiff chooses to appeal the judgment that will be entered based on this order, leave to proceed on appeal in forma pauperis will not be granted.

For these reasons,

IT IS ORDERED:

1. The report and recommendation is ACCEPTED based only on the plaintiff's failure to exhaust administrative remedies.
2. The clerk must enter judgment stating, "The complaint is dismissed without prejudice for failure to exhaust administrative remedies."
3. Leave to proceed in forma pauperis is denied. Any such leave granted in state court prior to removal to this court is revoked.
4. The clerk must close the file.

SO ORDERED on April 14, 2015.

s/Robert L. Hinkle  
United States District Judge