

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

JAMES V. SMITH, JR.,

Plaintiff,

v.

CASE NO. 4:15cv53-RH/CAS

ADAM VAN et al.,

Defendants.

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ORDER OF DISMISSAL

This case is before the court on the magistrate judge's third report and recommendation, ECF No. 112, and the objections, ECF No. 113. I have reviewed de novo the issues raised by the objections. Upon consideration,

IT IS ORDERED:

1. The report and recommendation is accepted and adopted as the court's opinion.

2. The summary-judgment motions, ECF Nos. 88 and 89, are treated as evidence-based motions to dismiss for failure to exhaust administrative remedies.

The motions are granted.

3. The clerk must enter judgment stating, “The complaint is dismissed for failure to exhaust administrative remedies.”

4. The clerk must close the file.

SO ORDERED on March 28, 2018.

s/Robert L. Hinkle
United States District Judge