

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

**BRUCE BEHENSKY,**

**Plaintiff,**

**v.**

**Case No. 4:23-cv-323-AW-MAF**

**OFFICER J. JUISTI and  
OFFICER BLASENGAIN,**

**Defendants.**

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Defendants moved to dismiss based on Plaintiff's lack of PLRA exhaustion. ECF No. 28. Plaintiff eventually responded in opposition. ECF No. 39. The magistrate judge issued a report and recommendation concluding I should grant the motion. ECF No. 49. Plaintiff has filed no objection to the report and recommendation.

Having carefully considered the matter, I agree Plaintiff failed to exhaust. I now adopt the report and recommendation and incorporate it into this order.<sup>1</sup> The motion to dismiss (ECF No. 28) is GRANTED. The clerk will enter a judgment that

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<sup>1</sup> Defendants raised defenses other than exhaustion. Although the magistrate judge indicated that because of a failure to exhaust, "there is no reason to rule on the other arguments raised by Defendants," he went on to recommend dismissal "for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)." ECF No. 49 at 21. I do not adopt that portion of the report and recommendation, and I do not reach any of Defendants' arguments other than exhaustion.

says, “Plaintiff’s claims are dismissed without prejudice for failure to exhaust administrative remedies.” The clerk will then close the file.

SO ORDERED on March 5, 2025.

*s/ Allen Winsor*  
United States District Judge