

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

ANTHONY BAKER,

Plaintiff,

vs.

CASE NO. 5:06cv117/RS

OFFICER SLAY, et al,

Defendants.

ORDER

Before the court is the Magistrate Judge's Report and Recommendation dated June 7, 2006 (Document 3) and Plaintiff's Objection to Magistrate Proposed Finding and Recommendation Filed June 7th, 2006 (Document 4). The court has reviewed *de novo* the plaintiff's objections.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
2. This case is dismissed without prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim due to plaintiff's failure to exhaust his administrative remedies.
3. The clerk is directed to close the file.

ORDERED on June 16, 2006.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE