

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

KENNETH E. RICKERSON,

Plaintiff,

v.

CASE NO. 5:11-cv-00279-MP-GRJ

S. GILLS, et al.,

Defendants.

---

**ORDER**

This cause comes on for consideration upon the Magistrate Judge's Report and Recommendation dated November 5, 2012. (Doc. 52). The parties have been furnished a copy of the Report and Recommendation and have been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a *de novo* determination of any timely filed objections.

Having considered the Report and Recommendation, and any objections thereto timely filed, I have determined that the Report and Recommendation should be adopted.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. The magistrate judge's Report and Recommendation is adopted and incorporated by reference in this order.
2. Defendants' Motions to Dismiss (Docs. 38 and 45) are GRANTED and this case is DISMISSED for failure to exhaust administrative remedies.

**DONE AND ORDERED** this 28th day of February, 2013

*s/Maurice M. Paul*  
Maurice M. Paul, Senior District Judge