

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

JOHN PAVAO,

Plaintiff,

v.

5:13cv233-WS

OFFICER SIMS,

Defendant.

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 78) docketed February 18, 2015. The magistrate judge recommends that the case be dismissed for failure to exhaust administrative remedies. The plaintiff, John Pavao, twice moved (docs. 79 & 81) to extend the time to file objections. Those motions were denied by the magistrate judge because the motions presented no relevant grounds for granting an extension. Although, to date, Pavao has not filed objections to the report and recommendation, he has filed a "Motion to the Court" (doc. 82), which—for the most part—describes events that are unrelated to the allegations made in the complaint in this case. At the end of his "Motion to the

Court,” Pavao asks the question: “How can I [follow the proper grievance procedure] if A.C.I. prison does not respond to what I send them [and] officers keep you from getting [sic] the proper forms and supies [sic] to grieve properly?” Pavao does not otherwise address the exhaustion issue. This court has construed Pavao’s “Motion to the Court” as objections to the magistrate judge’s report and recommendation.

The court has carefully reviewed the defendant’s motion to dismiss (doc. 52), Pavao’s response in opposition thereto (doc. 59), the magistrate judge’s report and recommendation (doc. 78), and Pavao’s “Motion to the Court.” Such review has convinced this court that the magistrate judge’s report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge’s report and recommendation is ADOPTED and incorporated by reference into this order.
2. The defendant’s motion to dismiss (doc. 52) is GRANTED.
3. The plaintiff’s complaint and this case are DISMISSED for failure to properly exhaust administrative remedies.
4. The clerk shall enter judgment stating: “All claims are dismissed for failure to properly exhaust administrative remedies.”

DONE AND ORDERED this 30th day of March, 2015.

s/ William Stafford  
WILLIAM STAFFORD  
SENIOR UNITED STATES DISTRICT JUDGE