

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

GERALD J. CARTER,

Plaintiff,

v.

Case No. 5:16cv299/LC/CJK

CAPTAIN SEWELL, et al.,

Defendants.

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ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated February 27, 2018 (doc. 43). 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 the timely filed objections.

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

Accordingly, it is now ORDERED as follows:

1. The Magistrate Judge's Report and Recommendation (doc. 43) is adopted and incorporated by reference in this order.

2. Defendant Raines' motion to dismiss (doc. 35), adopted by defendant

Sewell (doc. 39), is GRANTED, and this case is DISMISSED without prejudice for plaintiff's failure to exhaust administrative remedies.

3. The clerk shall close this file.

DONE AND ORDERED this 13th day of March, 2018.

s/L. A. Collier
LACEY A. COLLIER
SENIOR UNITED STATES DISTRICT JUDGE