Huggins v. Owens et al Doc. 71

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DAVID PAUL HUGGINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION NO. 5:09-CV-377 MTT**
	)	
BRIAN OWENS, *et al.*,	)	
	)	
Defendants.	)	
	)	

ORDER

This matter is before the Court on the Plaintiff's Motion to Resubmit his § 1983 Complaint After Exhausting Administrative Remedies (Doc. 67) (the "Motion").

This Court, in a previous Order (Doc. 55), adopted the recommendation of the Magistrate Judge to dismiss the Plaintiff's case for his failure to exhaust his administrative remedies. The Plaintiff now claims that he has exhausted his administrative remedies and asks that his Complaint be resubmitted.

If the Plaintiff wishes to resubmit his Complaint, he must do so in a new lawsuit. As the Court has mentioned before, the Plaintiff's case was dismissed without prejudice so he may refile. But the Plaintiff cannot resubmit his Complaint in the very case that has been dismissed. Therefore, the Motion (Doc. 67) is **DENIED**.

SO ORDERED, this the 13th day of December, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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