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

ANTONIO MAURICE GIBSON,

Plaintiff,

v. : CASE NO.: 5:10-CV-25 (WLS)

JERRY MODENA, et al.,

Defendants.

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Charles H. Weigle, filed March 2, 2011. (Doc. 27). Judge Weigle recommends that the Defendants' Motion to Dismiss (Doc. 14), which advocates dismissal for the alleged failure of the *pro se* prisoner Plaintiff to exhaust administrative remedies prior to filing suit (Doc. 15), be denied due to Defendants' failure to inform Plaintiff of the procedures for filing grievances or of his obligation to appeal. (Doc. 27 at 1, 4). No objections were filed within the fourteen-day period provided pursuant to 28 U.S.C. § 636(b)(1), which objection period expired for Defendants on March 17, 2011. (See Doc. 27 at 4; see generally Docket).

Upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 27) should be, and hereby is, **ACCEPTED**, **ADOPTED** and made the

The "Notice of Electronic Filing" for Judge Weigle's March 2, 2011 Report and Recommendation (Doc. 27) shows that it was entered on March 3, 2011, and electronically mailed to Defendants' counsel of record on that date.

No objection is expected from the *pro se* prisoner Plaintiff, both because Judge Weigle's Report and Recommendation (Doc. 27) is in Plaintiff's favor, and because the copy of the Report and Recommendation that was mailed to Plaintiff was returned to the Clerk of Court as undeliverable on March 11, 2011. (Doc. 28). Judge Weigle may wish to issue yet another show-cause order to Plaintiff regarding his failure to keep the Clerk informed of his current address. (*See* Docs. 5, 21).

Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss (Doc. 14) is **DENIED**.

SO ORDERED, this $\underline{21^{st}}$ day of March, 2011.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS, UNITED STATES DISTRICT COURT