

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

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|-------------------------------------|---|---|
| EMEKA MICHAEL ABANIFI, JR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 5:12-CV-421 (MTT) |
| |) | |
| Warden SHEILA OUBRE, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

ORDER

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 35). The Magistrate Judge, having reviewed the Defendants’ motion to dismiss (Doc. 26), recommends granting the motion because the Plaintiff failed to exhaust his available administrative remedies pursuant to 42 U.S.C. § 1997e(a) on either of his claims. The Plaintiff filed an objection to the Recommendation. (Doc. 37).

Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the Plaintiff’s objections and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The Plaintiff fails to respond to the recommendation that his claims be dismissed for failure to exhaust his administrative remedies and, instead, states that “[i]t is clear that [his] rights were violated.” (Doc. 37 at 1). The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, and the Recommendation is adopted and made the order of this Court. The Defendants’ motion is **GRANTED**, and the Plaintiff’s complaint is **DISMISSED**.

SO ORDERED, this the 28th day of January, 2014.

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