

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2010 OCT 25 A 10:27

CLERK *B. McCarty*

THOMAS MELCHOR GOMEZ,)

Plaintiff,)

v.)

WALT WELLS,)

Defendant.)

CV 310-012

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 11). The Magistrate Judge recommended dismissal of Plaintiff's complaint without prejudice for failure to exhaust administrative remedies. (Doc. no. 9.) In his objections, Plaintiff does not dispute that he has failed to satisfy the exhaustion requirement, but he asserts that the grievance process is inadequate due to corruption within the prison system. Because the Court has no discretion to waive the exhaustion requirement, even if it can be shown that the grievance process is futile or inadequate, Plaintiff's objections lack merit. See Alexander v. Hawk, 159 F.3d 1321, 1325-26 (11th Cir. 1998). Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's complaint is **DISMISSED** without prejudice for failure to exhaust administrative remedies, and this civil action is **CLOSED**.

SO ORDERED this 25th day of October, 2010, at Augusta, Georgia.

[Handwritten Signature]
UNITED STATES DISTRICT JUDGE