

ORIGINAL

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

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2016 SEP 21 P 4: 12

DUBLIN DIVISION

CLERK Shulton  
SO. DIST. OF GA.

ERNESTO A. REYES,

Plaintiff,

v.

JOHNSON STATE PRISON and  
JENKINS CCA,

Defendants.

CV 316-063

### 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). In his complaint, Plaintiff attested under penalty of perjury there was a grievance procedure at his current place of confinement, but he did not utilize it because he would not get "enough results." (Doc. no. 1, pp. 3-4.) Once the Magistrate Judge recommended dismissal of the case without prejudice based on Plaintiff's stated failure to exhaust administrative remedies, a one-page, unsigned objection was submitted.


According to this latest filing, Plaintiff somehow knew he could not file a grievance during the four days he was in segregation after the altercation with other inmates forming the basis for this lawsuit. (Doc. no. 11.) The unsigned objection goes on to state Plaintiff never filed a grievance, even after his transfer to another institution following his four days

in segregation, because he “was never told about [the grievance procedure] at any of the prisons.” (Id.) He was therefore “ignorant to the grievance procedure all together.” (Id.)

The Court **OVERRULES** the objections. All filings with the Court must be signed. Fed. R. Civ. P. 11; Loc. R. 11.1. The objection accepted for filing was not signed by anyone and bears no indicia of Plaintiff’s signature placed on the original complaint, which attested not only that Plaintiff knew about the grievance procedure, but also that he chose not to use it. Only after the Magistrate Judge recommended dismissal did an anonymous filing suggest, in contradictory fashion, Plaintiff knew enough about the grievance procedure to assert he could not have filed a grievance while in segregation, but also that Plaintiff was completely uniformed of any grievance procedure at any prison. The unsigned, procedurally improper objection from an unknown source provides no basis for deviating from the Magistrate Judge conclusion that dismissal without prejudice is appropriate.

Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice, and **CLOSES** this civil action.

SO ORDERED this 21<sup>st</sup> day of September, 2016, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE