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

YENNIER CAPOTE GONZALEZ,

Petitioner.

vs. : CIVIL ACTION NO.: CV514-068

TRACY JOHNS, Warden,

Respondent.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Petitioner Yennier Gonzalez ("Gonzalez") filed Objections. In his Objections, Gonzalez contends that he was not able to file his final appeal until after he filed his petition because he could not find the paperwork he needed to file his appeal. Even accepting Gonzalez's contention as true, he still failed to exhaust his available administrative remedies fully and properly before he filed his petition. The exhaustion of available administrative remedies is a precondition to filing suit in this Court.

Gonzalez's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Gonzalez's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**, without prejudice,

based on Gonzalez's failure to exhaust his administrative remedies. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 12 day of Decamber, 2014.

LISA GODBEY WOOD, CHIEF JUDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA