

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

FILED
U.S. DISTRICT COURT
STATESBORO DIV.
2017 FEB -3 PM 2:12
CLERK: 
S.D. OF GA.

XAVIER DANIELS,)
)
Plaintiff,)
)
v.)
)
WARDEN STANLEY WILLIAMS, in)
his individual capacity, and)
DEPUTY WARDEN JAMES DEAL, in)
his individual capacity,)
)
Defendants.)
_____)

CASE NO. CV615-143

ORDER

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 31), to which objections have been filed (Doc. 32; Doc. 33). After a careful de novo review of the record, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** and Plaintiff is **DENIED** leave to appeal in forma pauperis. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Plaintiff contends that he filed the appropriate grievance forms, but that they must have been lost by prison officials. After reviewing the record, this Court agrees with the Magistrate Judge that the weight

of evidence establishes that Plaintiff failed to properly file a grievance for the claims underlying this case. As a result, Plaintiff failed to exhaust his administrative remedies and his case must be dismissed.

SO ORDERED this 3rd day of February 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA