

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

ROY AUSTIN SMITH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	3:07-CV-207-PPS-CAN
	)	
DAWN BUSS <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

This matter is before the Court on the Report and Recommendation of Magistrate Judge Christopher A. Nuechterlein [DE 90], entered on February 18, 2011, regarding the issue of whether plaintiff Roy Smith failed to exhaust his administrative remedies before filing his Section 1983 suit. Magistrate Judge Nuechterlein entered his Report and Recommendation after conducting a December 2, 2010 evidentiary hearing on the exhaustion issue, as outlined in *Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008). More than 14 days have passed since the entry of Magistrate Judge Nuechterlein's Report and Recommendation, and no party has filed an objection to it. So the deadline for objecting has passed. Fed. R. Civ. P. 72(b)(2).

The Court, having reviewed the Report and Recommendation, and agreeing with the reasoning therein, hereby **ADOPTS** the Report and Recommendation [DE 90] in its entirety, and incorporates all of its findings and recommendations into this order.

This matter is now **REFERRED** to Magistrate Judge Nuechterlein for all further pretrial matters.

**SO ORDERED.**

ENTERED: March 24, 2011

/s/ Philip P. Simon  
PHILIP P. SIMON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT