Williams v. Gavins et al Doc. 17

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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| **RONALD WILLIAMS,** | : | **CIVIL NO. 1:13-CV-0387** |
| **Plaintiff** | : | **(Judge Rambo)** |
| **v.** | : | **(Magistrate Judge Carlson)** |
| **WAYNE GAVINS, *et al*.,** | : | |
| **Defendants** | : | |

O R D E R

Before the court is a September 3, 2013 report and recommendation of the magistrate judge (Doc. 16) to whom this matter was referred. The magistrate judge recommends that the pending motion to dismiss (Doc. 11), based upon Plaintiff's alleged failure to exhaust administrative remedies, be denied without prejudice to renew after development of a more complete factual record. Objections to the report and recommendation were due on or before September 20, 2013 and, to date, no objections have been filed.

Accordingly, upon independent review of the record and applicable law, **IT IS HEREBY ORDERED THAT**:

1) The court adopts the report and recommendation of Magistrate Judge Carlson (Doc. 16).

2) Defendant's motion to dismiss (Doc. 11) is dismissed without prejudice.

3) This matter is remanded to Magistrate Judge Carlson for further proceedings.

s/Sylvia H. Rambo
United States District Judge

Dated: September 25, 2013.

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