

IN THE UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF ALABAMA  
 EASTERN DIVISION

CLYDE H. FRIEND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 3:12cv330-TMH
	)	(WO)
TINA PELFERY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On August 27, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 19). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The defendants’ motion for summary judgment be and is hereby GRANTED to the extent the defendants seek dismissal due to the plaintiff’s failure to properly exhaust an administrative remedy previously available to him at the Russell County Jail;
3. This case be and is hereby DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff’s failure to properly exhaust an administrative remedy provided to him during his confinement in the Russell County Jail as this remedy is no longer available to him with respect to the claim presented in this cause of

action.

DONE this the 4th day of October, 2012.

/s/ Truman M. Hobbs  
TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE