

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH

STACY L. PARTIN

PLAINTIFF

v.

CIVIL ACTION NO. 5:13-cv-00193-CRS

RON TILFORD

DEFENDANT

MEMORANDUM OPINION AND ORDER

Defendant Ron Tilford moves the Court to correct its June 7, 2016 order granting Tilford's motion to dismiss without prejudice. ECF No. 124. Tilford requests the Court alter the order to reflect a dismissal with prejudice. The Court will deny this request.

Tilford provides no substantive argument as to why this Court should alter its order. This Court granted Tilford's motion to dismiss on the ground that Partin failed to exhaust required administrative remedies. June 7, 2016 Memo. Op., ECF No. 121. Under the Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, 110 Stat. 1321 (1996), a prisoner must exhaust all available administrative remedies before filing a Section 1983 action in federal district court. See *Brown v. Toombs*, 139 F.3d 1102, 1103 – 04 (6th Cir. 1998). Failure to exhaust these remedies warrants dismissal without prejudice of the prisoner's claims. See *Boyd v. Corr. Corp. of Am.*, 380 F.3d 989, 994 (6th Cir. 2004). This allows Plaintiff Stacy L. Partin to file these claims in the manner contemplated under 42 U.S.C. § 1997e. Dismissal with prejudice is inappropriate.

The Court **DENIES** Defendant Ron Tilford's motion for correction of order (DN 124).

IT IS ORDERED.

August 2, 2016

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a faint circular seal of the United States District Court for the Western District of Kentucky.

**Charles R. Simpson III, Senior Judge
United States District Court**