

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JUN 17 2005
BY: *[Signature]*
JOHN F. COOPER, CLERK
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ANTONIO FITZGERALD,)
)
 Plaintiff,)
)
 v.)
)
 DANVILLE CITY JAIL)
 MEDICAL STAFF, et al.)
)
 Defendants.)

Civil Action No. 7:05-CV-00383

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Plaintiff Antonio Fitzgerald, a Virginia inmate incarcerated at the Danville City Jail and proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Fitzgerald claims that jail officials have violated his constitutional rights by not distributing his medications on time, by not serving him "correct meals," and by failing to provide him with "air or privacy to help [him] care with [his] surroundings."

Pursuant to 42 U.S.C. § 1997e(a), an inmate must exhaust all available administrative remedies before filing a claim under § 1983. In his complaint, Fitzgerald states that he has filed grievances regarding his claims but that the jail has yet to respond. Because he has not completed the grievance procedure, Fitzgerald has not exhausted all available administrative remedies. Therefore, the court files and dismisses Fitzgerald's complaint without prejudice.

ENTER: This 17th day of June, 2005.

[Signature]
UNITED STATES DISTRICT JUDGE