

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

GEORGE HENRY RHODES, JR.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 1:06cv305-WHA
)	
HOUSTON COUNTY COMMISSIONERS,)	(WO)
et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #32), filed on February 4, 2009, to which no timely objection has been filed. Upon consideration, the Recommendation is adopted, and it is hereby ORDERED as follows:

1. Defendants’ Motion for Summary Judgment is GRANTED to the extent the Defendants seek dismissal of this case due to the Plaintiff’s failure to properly exhaust an administrative remedy previously available to him in the Houston County Jail.

2. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the Plaintiff’s failure to exhaust an administrative remedy available to him during his confinement in the Houston County Jail.

DONE this 10th day March, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE