

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

AUDIE JAMES JOHNSON, #59734,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:07cv52-MHT
)	(WO)
COMMANDER MCCARTY, et al.,)	
)	
Defendants.)	

ORDER

On December 2, 2008, the magistrate judge filed a recommendation in this case to which no timely objections have been filed. Upon an independent and de novo review of the file in this case and upon consideration of the recommendation of the magistrate judge, it is ORDERED and ADJUDGED that the recommendation of the magistrate judge (Doc. # 18) is adopted and that:

1. Defendants' motion for summary judgment (Doc. # 9) is granted to the extent that defendants seek dismissal of this case due to plaintiff's failure to exhaust an administrative remedy;
2. This case is dismissed without prejudice in accordance with the provisions of 42 U.S.C. §1997e(a), *Woodford v. Ngo*, ___ U. S. ___, 126 S. Ct. 2378 (2006); and
3. No costs are taxed.

DONE, this the 31st day of December, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE