

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

TODD HERRING,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:08-cv-399-TMH
)	
)	
OFFICER SHELLY, et al.,)	
)	
Defendants.)	

TODD HERRING,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:08-cv-443-TMH
)	(WO)
)	
)	
HOUSTON COUNTY, et al.,)	
)	
Defendants.)	

OPINION and ORDER

On January 20, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 42). 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 that the defendants seek dismissal of this case due to the plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Houston 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 Houston County Jail as such remedy is no longer available to him with respect to the claims presented in this cause of action;

4. Costs be and are hereby TAXED against the plaintiff.

An appropriate judgment will be entered.

Done this the 3rd day of March, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE