

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

CLEVELAND BERRY, #217872,)
)
 Plaintiff,)
)
 v.)
)
 HOUSTON COUNTY, *et al.*,)
)
 Defendants.)

CASE NO. 1:09-cv-88-WHA

ORDER

The Magistrate Judge entered a Recommendation (Doc. #24) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court finds that the Recommendation should be adopted. Accordingly, it is

ORDERED as follows:

1. The defendants’ motion for summary judgment is GRANTED to the extent 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; and
2. this case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) due to 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 presenting in this cause of action.

A separate judgment shall issue.

DONE this 5th day May, 2011.

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