

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

OSCAR PRENTICE McDOWELL,)
)
Plaintiff,)
)
v.)
)
)
SHERIFF ANDY HUGHES, *et al.*,)
)
Defendants.)

CASE NO. 1:09-cv-376-WHA

(WO)

ORDER

The Magistrate Judge entered a Recommendation (Doc. #22) 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:

- a. the Recommendation (Doc. #22) of the Magistrate Judge is ADOPTED;
- b. the motion to dismiss filed by Defendants (Doc. #16) is GRANTED to the extent Defendants seek dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy available to him at the Houston County Jail; and
- b. this case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) due to Plaintiff's failure to exhaust an administrative remedy available to him at the Houston County Jail.

A separate judgment shall issue.

Done this 1st day of March, 2011.

/s/ W. Harold Albritton
UNITED STATES DISTRICT JUDGE