

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

FREDERICK OWENS, #170249,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 1:09-CV-607-ID
	)	
LAWTON F. ARMSTRONG, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On December 16, 2009, the Magistrate Judge filed a Report and Recommendation in this case. (Doc. #32.) After an independent review of the file, it is hereby CONSIDERED and ORDERED that:

1. The plaintiff's objection (Doc. # 33) to the Recommendation of the Magistrate Judge, filed on December 28, 2009, be and the same is hereby OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. #32) filed on December 16, 2009, be and the same is hereby ADOPTED;

3. The defendants' motion for summary judgment be and the same is hereby 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 Henry County Jail;

4. This case be and the same 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 previously available to him at the Henry County Jail.

DONE this the 11th day of January, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE