

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

ANTONIO McNEAL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:09cv641-TMH
	)	
ANDY HUGHES, et al.,	)	
	)	
Defendants.	)	

**ORDER AND OPINION**

On October 21, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 18). 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 that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The defendants' motion for summary judgment is GRANTED to the extent that defendants seek dismissal of this case due to the plaintiff's failure to properly exhaust administrative remedies previously available to him at the Houston County Jail.
2. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to properly exhaust

administrative remedies previously available to him at the Houston County Jail.

Done this the 16<sup>th</sup> day of November, 2009.

/s/ Truman M. Hobbs

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SENIOR UNITED STATES DISTRICT JUDGE