

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

TERRENCE PONCEY,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:11-cv-0707-TMH
)	[WO]
MAMIE McCORY,)	
)	
Defendant.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #27) filed on September 20, 2013 to the Recommendation of the Magistrate Judge is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #23) entered on August 27, 2013 is adopted;
3. Defendant's motions for summary judgment (Doc. Nos. 6 & 17) are GRANTED to the extent Defendant seeks dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy available to him at the Dothan City Jail with regard to the allegations presented in the complaint and amendment thereto; and
4. This case be DISMISSED with prejudice under 42 U.S.C. § 1997e(a) for Plaintiff's failure to exhaust an available administrative remedy prior to filing suit.

Done, this 30th day of September 2013.

 /s/ Truman M. Hobbs
 TRUMAN M. HOBBS
 SENIOR UNITED STATES DISTRICT JUDGE