

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

ANDREW KEITH BARKLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:11cv737-TMH
	)	(WO)
CITY OF DOTHAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on July 12, 2013, (Doc. # 17), that this case be dismissed with prejudice. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The defendants’ motion for summary judgment be and is hereby GRANTED to the extent that the defendants seek dismissal of this case due to the plaintiff’s failure to properly exhaust an administrative remedy previously available to him at the Dothan City Jail;
3. This case be and 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 provided to him during his confinement in the Dothan City Jail as this

remedy is no longer available to him with respect to the claims presented in this cause of action; and

4. Costs of this proceeding be and are hereby TAXED against the plaintiff for which execution may issue.

An appropriate judgment will be entered.

Done this the 25th day of September, 2013.

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