

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

GREGORY FORSYTHE, #206657,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:12-cv-0033-TMH
)	[WO]
LT. KIRSEY, <i>et al.</i> ,)	
)	
Defendants.)	

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. #33) filed on June 26, 2013 to the Recommendation of the Magistrate Judge is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #32) filed on June 13, 2013 is adopted;
3. The defendants' motion for summary judgment is GRANTED to the extent 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 Houston County Jail; and
4. 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 an administrative remedy provided to him during his confinement in the Houston County Jail as this remedy is no longer available to him with respect to the claim presented in this cause of action.

DONE this the 25th day of September, 2013.

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