

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

CLEVELAND BERRY,)	
)	
Plaintiff,)	
)	
v.)	
)	CASE NO. 1:16-CV-591-WKW
OFFICER JONES, <i>et al.</i> ,)	[WO]
)	
Defendants.)	

ORDER

On December 7, 2016, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 35.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that the Recommendation is ADOPTED, Defendants' motion to dismiss is GRANTED, and Plaintiff's complaint is DISMISSED with prejudice¹ pursuant to 42 U.S.C. § 1997e(a). A final judgment will be entered separately.

DONE this 5th day of January, 2017.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE

¹ A dismissal with prejudice is appropriate here because the Plaintiff's failure to exhaust his administrative remedies under § 1997e(a) is a deficiency that cannot be cured. *See Johnson v. Meadows*, 418 F.3d 1152 (11th Cir. 2005) (holding that a prisoner cannot exhaust his administrative remedies by filing an untimely grievance and that failure to satisfy the PLRA's exhaustion requirement results in procedural default).