

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

RODNEY C. DEAN, # 244 759,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:07-CV-342-WKW
)	
WARDEN J.C. GILES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

There being no objections filed to the Recommendation of the Magistrate Judge (“Recommendation”) (Doc. # 45), and after an independent review, it is ORDERED that:

- (1) The Recommendation is ADOPTED;
- (2) Defendants Allen, Giles, and Longmire’s motion for summary judgment (Doc. # 27, 40) is GRANTED;
- (3) Plaintiff’s complaint (Doc. # 1) against Defendants Allen, Giles, and Longmire is DISMISSED with prejudice;
- (4) Defendants PHS, Inc., and Liebe’s (identified in the complaint as “B. Luke”) motion for summary judgment (Doc. # 28) is GRANTED to the extent it seeks dismissal of the case due to Plaintiff’s failure to properly exhaust his administrative remedies; and,
- (5) The complaint (Doc. # 1) against Defendants PHS, Inc., and Liebe is DISMISSED with prejudice for Plaintiff’s failure to exhaust his administrative

remedies in accord with 42 U.S.C. § 1997e(a).

Final judgment will be separately entered.

DONE this 11th day of December, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE