

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

STACEY B. McKINNEY, #155499,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:08-CV-90-MEF
	)	[WO]
SMALLWOOD PRISON DENTAL	)	
SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On October 14, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. 54) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 54) of the Magistrate Judge is ADOPTED;
2. The defendants’ motion for summary judgment be GRANTED to the extent the defendants seek dismissal of this case due to the plaintiff’s failure to properly exhaust administrative remedies previously available to him at the Bullock County Correctional Facility; and
3. This case be DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff’s failure to exhaust administrative remedies available to him during his confinement in the Bullock County Correctional Facility.

An appropriate judgment will be entered.

Done this the 7<sup>th</sup> day of November, 2008.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE