

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

PAUL LINDSEY GRAY, JR.,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:10-cv-0172-TMH
)	WO
WARDEN FOX, <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. #42) to the Recommendation of the Magistrate Judge filed on September 2, 2010 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #41) filed on August 25, 2010 is adopted;
3. Defendants' motion for summary judgment (Doc. #39) is GRANTED to the extent defendants seek dismissal of this case due to plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Elmore County Jail.
4. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for plaintiff's failure to exhaust an administrative remedy available to him during his confinement in the Elmore County Jail.

DONE this the 30th day of September, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
 SENIOR UNITED STATES DISTRICT JUDGE