

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

RUSSELL MONTAGUE, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CASE NO. 2:11cv-256-WHA  
 )  
 LIEUTENANT BELL, et al., ) (WO)  
 )  
 Defendants. )

**ORDER**

On December 17, 2013, the Magistrate Judge entered a Recommendation (Doc. #43) in this case, to which no timely objection has been filed.

Following an independent review of the file in this case, the court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The Defendants' Motion for Summary Judgment is GRANTED to the extent the Defendants seek dismissal of this case based on Montague's failure to exhaust all administrative remedies available to him at FPC Montgomery through the BOP's administrative remedy program.

2. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) because of Montague's failure to exhaust the BOP's administrative remedies during his confinement at FPC Montgomery.

DONE this 10<sup>th</sup> day of January, 2014.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE