

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

JIMMY MURPHY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 2:12cv-224WHA
	)	
SANDRA GILES, Warden, et al.,	)	(WO)
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #72), entered on March 2, 2015. There being no timely objection filed to the Recommendation, and after a review of the file, the Recommendation is ADOPTED, and it is hereby ORDERED as follows:

1. Plaintiff’s request for injunctive relief is DENIED as moot.
2. The motion to dismiss on behalf of the medical Defendants is GRANTED to the extent the medical Defendants seek dismissal of this case due to Plaintiff’s failure to properly exhaust an administrative remedy previously available to him in the Alabama Department of Corrections.
3. The motion for summary judgment on behalf of the correctional Defendants with respect to the claims for monetary damages lodged against them in their official capacities is GRANTED as all Defendants are entitled to absolute immunity from these claims.
4. The motion for summary judgment filed on behalf of the correctional Defendants in their individual capacities is GRANTED.

5. This case is DISMISSED against the medical Defendants with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the Plaintiff's failure to properly exhaust an administrative remedy provided to him during his confinement in the ADOC as this remedy is no longer available to him with respect to the claim presented in this cause of action, and against the correctional Defendants in accordance with *F.R.Civ.P. 56*.

DONE this 25th day of March, 2015.

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