

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

|                            |   |                                |
|----------------------------|---|--------------------------------|
| JAMES STACKHOUSE, #162181, | ) |                                |
|                            | ) |                                |
| Plaintiff,                 | ) |                                |
|                            | ) |                                |
| v.                         | ) | CIVIL ACTION NO. 2:12cv343-TMH |
|                            | ) |                                |
| ANNETTE CANE, et al.,      | ) |                                |
|                            | ) |                                |
| Defendants.                | ) |                                |

**ORDER AND OPINION**

On August 23, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 18). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The defendants' motion for summary judgment is GRANTED to the extent the defendants seek dismissal of this case due to the plaintiff's failure to properly exhaust an administrative remedy previously available to him at the Covington County Jail.

2. This case is dismissed 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 Covington County Jail as this remedy is no longer available to him with respect to the claims presented in the this cause of action.

DONE this 14th day of September, 2012.

/s/ Truman M. Hobbs  
TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE