

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

LEONARD CHARLES HENDRICKS,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 2:12-cv-398-WHA
)	
JAMES A. CARTER, et al.,)	(WO)
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #59), entered on July 16, 2015, and the Plaintiff’s Objection thereto (Doc. #63), filed on August 17, 2015.

The court has conducted an independent evaluation and *de novo* review of the file in this case and, having done so, finds the objection to be without merit.

In the Recommendation, the Magistrate Judge found that the Defendants’ Motion to Dismiss on the basis of failure to exhaust administrative remedies should be denied, but then further found that the Defendant’s Motion for Summary Judgment on the merits should be granted. The Plaintiff’s only objection is premised solely on the exhaustion of administrative remedies issue, which the Magistrate Judge recommended resolving in his favor. Therefore, the Plaintiff’s objection is **OVERRULED**, the court **ADOPTS** the Recommendation of the Magistrate Judge, and it is hereby **ORDERED** as follows:

1. The Motion to Dismiss on behalf of the Defendants is DENIED to the extent the Defendants seek dismissal of the case due to the Plaintiff's failure to properly exhaust an administrative remedy previously available to him in the Montgomery City Jail.

2. The Motion for Summary Judgment filed on behalf of the Defendants is GRANTED.

3. This case is DISMISSED with prejudice.

DONE this 15th day of September, 2015.

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