

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

DARON D. HOWARD, #159809,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:12-cv-692-MEF
	)	WO
DR. MILLARD McWHORTER, <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 objections (Doc. #34) to the Recommendation of the Magistrate Judge filed on May 21, 2014 are overruled;

2. The Recommendation of the Magistrate Judge (Doc. #33) entered on May 7, 2014 is adopted;

3. That defendants' motion to dismiss is GRANTED as the plaintiff failed to file his complaint within two years of the claims related to medical treatment provided to him in 2009 and because he failed to properly exhaust an administrative remedy previously available to him at the Covington County Jail with respect to all claims made the basis of this civil action.

4. This case is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to timely file the 2009 claims and for his 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 this cause of action.

DONE this the 3<sup>rd</sup> day of June, 2014.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE