

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

BRIAN FANARY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.: 2:12-CV-924-WHA
	)	[WO]
SHERIFF FRANKLIN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On January 20, 2015, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 54) 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 this case be and is hereby DISMISSED as follows:

1. Defendants’ motion to dismiss (*Doc. No. 41*) be GRANTED to the extent Defendants seek dismissal of this case due to Plaintiff’s failure to properly exhaust an administrative remedy available to him at the Elmore County Jail prior to initiating this cause of action.

2. This case be DISMISSED with prejudice under 42 U.S.C. § 1997e(a) for Plaintiff’s failure to properly exhaust an administrative remedy available to him at the Elmore County Jail.

3. No costs are taxed.

Done, this 11th day of February, 2016.

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