

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

GEORGE WALTER PRESLEY, #158 155,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:16-CV-255-WHA
) [WO]
JEFFERSON DUNN, COMMISSIONER,)
)
Defendant.)

ORDER

On January 12, 2017, the Magistrate Judge filed a Recommendation to which no timely objection have been filed. Doc. 24. 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. Defendant's motion to dismiss (Doc. 20) is GRANTED to the extent Defendant seeks dismissal of this case due to Plaintiff's failure to properly exhaust an administrative remedy available to him at the Fountain Correctional Facility prior to initiating this cause of action.

2. This case is DISMISSED without prejudice under 42 U.S.C. § 1997e(a) for Plaintiff's failure to properly exhaust an administrative remedy available to him at the Fountain Correctional Facility.

3. No costs are taxed.

Final Judgment will be entered in favor of Defendants.

DONE this 2nd day of February, 2017.

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