

THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BERTHA ALLEN, #134004,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:06-CV-772-WKW
)	
TALLAPOOSA COUNTY JAIL STAFF,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 1, 2009, the Magistrate Judge filed a Recommendation (Doc. # 38) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. # 38) of the Magistrate Judge is ADOPTED;
2. With respect to Plaintiff’s claim regarding the prosecution of her assailant, Defendants’ motion for summary judgment is GRANTED, as this claim does not implicate a violation of any constitutionally protected interest;
3. With respect to Plaintiff’s failure-to-protect claim, Defendants’ motion for summary judgment is GRANTED to the extent that Defendants seek dismissal of this case due to Plaintiff’s failure to exhaust properly an administrative remedy previously available to her at the Tallapoosa County Jail;

4. Plaintiff's failure-to-protect claim is DISMISSED with prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for Plaintiff's failure to exhaust an administrative remedy available to her during her confinement in the Tallapoosa County Jail; and

5. This action is DISMISSED with prejudice.

An appropriate judgment will be entered.

DONE this 30th day of June, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE