

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

CORNELIUS MILNER,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:07cv152-WHA
)	(WO)
BLAKE JENNINGS, et al.,)	
)	
Defendants.)	

ORDER

No timely objection having been filed by the Plaintiff to the Recommendation of the Magistrate Judge (Doc. #26), filed on December 2, 2008, the court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Defendants' Motion for Summary Judgment (Doc. #11) is GRANTED to the extent that Defendants seek dismissal of this case due to Plaintiff's failure to exhaust an administrative remedy.
2. This case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a).

DONE this 23rd day of December, 2008.

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