

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

ANTONIO SCOTT, #263458,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:12-cv-0226-TMH
)	[WO]
OFFICER DAVIS,)	
)	
Defendant.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #34) filed on November 8, 2013 to the Recommendation of the Magistrate Judge is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #33) entered on October 30, 2013 is adopted;
3. Defendant Davis's motion to dismiss (Doc. #27) 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 Lee County Detention Center with regard to the allegation presented in the complaint;
4. This case is DISMISSED with prejudice under 42 U.S.C. § 1997e(a) for Plaintiff's failure to exhaust an available administrative remedy prior to filing suit.
5. No costs be taxed herein.

DONE this 13th day of December, 2013.

/s/ Truman M. Hobbs

 TRUMAN M. HOBBS
 SENIOR UNITED STATES DISTRICT JUDGE