

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

BRYAN L. WRIGHT,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:20-CV-878-RAH-CSC
)	
REGINALD LOGAN, et al.,)	
)	
Defendants.)	

ORDER

Before the court is the Magistrate Judge’s Report and Recommendation filed January 9, 2024 (Doc. 48), to which no objections have been filed. The Magistrate Judge recommended that Plaintiff Bryan L. Wright’s claims of deliberate indifference and excessive force be dismissed with prejudice due to his failure to exhaust his administrative remedies during his confinement in the Russell County Detention Center. There are no objections.

Because the Plaintiff failed to comply with the Russell County Detention Center’s grievance procedure concerning his claims of deliberate indifference and excessive force, jail officials were not afforded an opportunity to take any corrective action concerning his claims before he filed the present action. Consequently, this Court finds the Plaintiff’s claims are due to be dismissed without prejudice for his failure to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). *See, e.g., Zavala v. Ward*, No. 5:19-cv-383-TES-CHW, 2021 WL 1621293 (M.D. Ga., Feb. 5, 2021) (excessive force claim dismissed without prejudice for failure to exhaust where parties disputed

whether plaintiff fabricated a receipt for a grievance appeal, but records demonstrated plaintiff did not file grievance at the original grievance level); *Cargill v. Jail Administrator House*, No. 2:18-cv-0344-AKK-JEO, 2020 WL 3549831 (N.D. Ala. 2020) (dismissal without prejudice for failure to exhaust excessive force claim in county jail).


Based upon an independent and *de novo* review of the Recommendation, *see* 28 U.S.C. § 636(b), it is

ORDERED that:

1. To the extent the Magistrate Judge recommended dismissal, the Recommendation of the Magistrate Judge is ADOPTED;
2. The Motion to Dismiss (Doc. 22) is GRANTED;
3. This case is DISMISSED without prejudice;
4. No costs are taxed.

A separate Final Judgment will be entered in accordance with this order.

DONE, on this the 6th day of February 2024.



R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE