

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

TRACY MICHAEL OGLESBY,)
)
Plaintiff,)
v.)
)
SERGEANT MATTHEW)
COTTNEY, et al.,)
)
Defendants.)

Civil Action Number
1:16-cv-00883-AKK-TMP

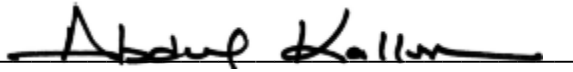
MEMORANDUM OPINION

The magistrate judge filed a report on May 17, 2018, recommending that Defendants Cotney and Denham’s motion for summary judgment be treated as a motion to dismiss and the motion be granted and the claims be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for the Plaintiff’s failure to exhaust administrative remedies. Doc. 27. The magistrate judge further recommended that the Plaintiff’s claims against Defendants King, Williams, and Otis be dismissed without prejudice for want of service of process. *Id.* Although the magistrate judge advised the Plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge’s report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly,

Defendants Cotney and Denham's motion for summary judgment should be treated as a motion to dismiss and the motion is due to be granted pursuant to 42 U.S.C. § 1997e(a). The Plaintiff's claims against Defendants King, Williams, and Otis are due to be dismissed for want of service of process.

DONE the 2nd day of July, 2018.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE