

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

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| DAMON ODEN,                   | ) |                                |
|                               | ) |                                |
| Plaintiff,                    | ) |                                |
|                               | ) |                                |
| v.                            | ) | Case No. 1:17-cv-00891-KOB-HNJ |
|                               | ) |                                |
| SHERIFF JIMMY KILGOR, et al., | ) |                                |
|                               | ) |                                |
| Defendants.                   | ) |                                |

**MEMORANDUM OPINION**

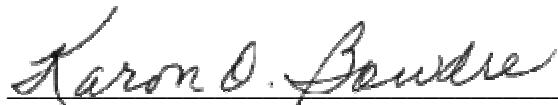
The magistrate judge filed a report on July 1, 2019, construing the defendants’ motion for summary judgment as a motion to dismiss and recommending the motion be granted and the claims be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for failing to exhaust administrative remedies. (Doc. 43). Although the parties were advised of their right to file specific written objections within fourteen days, the court has received no objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court hereby ADOPTS the magistrate judge’s report and ACCEPTS his recommendation. Accordingly, the defendants’ motion to dismiss is due to be granted and the plaintiff’s claims are

due to be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a) for failing to exhaust administrative remedies.

The court will enter a separate Final Order.

DONE and ORDERED this 19<sup>th</sup> day of August, 2019.

Handwritten signature of Karon O. Bowdre in cursive script.

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**KARON OWEN BOWDRE**  
CHIEF UNITED STATES DISTRICT JUDGE