

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

BOBBY JOE JOHNSON,

Plaintiff,

v.

DAVID SULLIVAN, et al.,

Defendants.

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Case No.: 2:16-cv-00490-RDP-JEO


MEMORANDUM OPINION

This case is before the court on Defendants’ Special Report (Doc. # 21), which the court has construed as a motion for summary judgment (Doc. # 25). Plaintiff has responded to Defendants’ motion for summary judgment. (Doc. # 26). On July 27, 2017, the Magistrate Judge’s Report and Recommendation (Doc. # 31) was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the Magistrate Judge. No objections were filed.

After careful consideration of the record in this case and the Magistrate Judge’s Report and Recommendation, the court hereby adopts the Report of the Magistrate Judge. The court further accepts the recommendation of the Magistrate Judge that this action be dismissed without prejudice for failure to exhaust administrative remedies, pursuant to 42 U.S.C. § 1997e(a).

A separate order in accordance with the Memorandum Opinion will be entered.

DONE and ORDERED this August 16, 2017.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE