

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

SILVESTER HARTLEY,)
)
 Plaintiff,)
)
 v.)
)
 CMS MEDICAL AND)
 DR. WILLIAM TALLEY,)
)
 Defendants.)

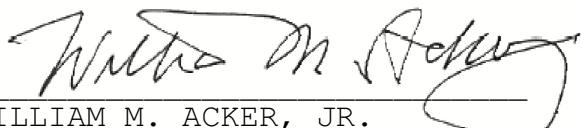
Case No. 4:11-cv-02017-WMA-JEO

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 10, 2012, recommending that this cause be dismissed without prejudice, pursuant to 42 U.S.C. § 1997e(a), in order for the plaintiff to exhaust his administrative remedies. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed without prejudice due to plaintiff's failure to exhaust his administrative remedies. A Final Judgment will be entered.

DONE this the 7th day of January, 2013.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE