

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

DEXTER K. EDWARDS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 4:12-cv-03888-CLS-SGC
)	
MR. WHEAT, et. al.,)	
)	
Defendants.)	

MEMORANDUM OPINION


On January 14, 2015, the magistrate judge filed a report, recommending that this action be dismissed without prejudice pursuant to 42 U.S.C. § 1997e, due to plaintiff's failure to exhaust his administrative remedies. (Doc. 24). The magistrate judge further recommended that, to the extent plaintiff was attempting to raise state law claims, the court should decline to exercise supplemental jurisdiction and dismiss those claims without prejudice. (*Id.*). Finally, the magistrate judge noted that, even if had plaintiff exhausted his remedies with regard to his constitutional claims, defendants' motion for summary judgment would have been due to be granted, as plaintiff failed to show that defendants were deliberately indifferent to his serious medical needs. (*Id.*). 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 (Doc. 24), the court is of the opinion

that the magistrate judge's report is due to be, and it hereby is, ADOPTED, and her recommendation is ACCEPTED. Accordingly, this action is due to be DISMISSED WITHOUT PREJUDICE. The court also finds that, even if exhaustion had been achieved, summary judgment would have been due to be granted in defendants' favor.

A Final Judgment will be entered.

DONE this 4th day of March, 2015.


United States District Judge