

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

MOSE FRANKLIN HILL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 7:16-cv-01169-KOB-SGC
	)	
C.O. NORRIS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

The magistrate judge entered a report on November 18, 2016, recommending this action be dismissed without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). (Doc. 6). The plaintiff has filed a letter that the court construes as objections to the report and recommendation. (Doc. 7).

The plaintiff points to no errors of law or fact in the magistrate judge’s report and recommendation. As he did in his complaint, the plaintiff admits he did not utilize Tuscaloosa County Jail’s grievance process to notify jail officials of the facts underlying his claims. The plaintiff argues that he informed the court he did not do so because he has filed numerous grievances in the past and never received responses. As set forth by the magistrate judge, a plaintiff’s compliance with the

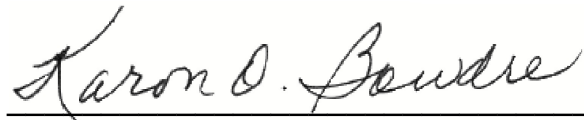
administrative remedies available to him is a “prerequisite to filing suit in this court,” even if a plaintiff believes it will be unfruitful. (Doc. 6 at 5) (quoting *Booth v Churner*, 532 U.S. 731, 740 n.2 (2001) (“we will not read futility or other exceptions into” the “statutory exhaustion requirements” of 42 U.S.C. § 1997(e)(a) “where Congress has provided otherwise”)).

The plaintiff also complains he was misled into “thinking” he would receive the help he desires when he was ordered to pay the filing fee. (*Id.*). However, payment of the filing fee is required at the time a civil action is instituted or brought. *See* 28 U.S.C. §§ 1914 & 1915(b). Further, the court is prohibited from providing legal advice to litigants. *See* 28 U.S.C. § 454.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the plaintiff’s objections, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** her recommendation. The court **OVERRULES** plaintiff’s objections (Doc. 7). Therefore, in accordance with 42 U.S.C. § 1997e(a), this action is due to be dismissed without prejudice for failure to exhaust administrative remedies.

A Final Judgment will be entered.

So ORDERED this 9<sup>th</sup> day of December, 2016.

A handwritten signature in cursive script that reads "Karon O. Bowdre". The signature is written in black ink and is positioned above a horizontal line.

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Karon Owen Bowdre  
Chief, United States District Judge