

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

FREDERICK BANKS,
REG. #05711-068

PLAINTIFF

2:12CV00150-SWW-JTK

FEDERAL BUREAU OF PRISONS, et al.

DEFENDANTS

ORDER

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections¹ received thereto, as well as a de novo review of the record, the Court adopts them in their entirety.

IT IS THEREFORE ORDERED that Defendants' Motion for Summary Judgment (Doc. No. 15) is GRANTED, and this case is DISMISSED without prejudice for failure to exhaust administrative remedies. An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 25th day of March, 2013

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹On March 5, 2013, Plaintiff filed a "Motion to Reopen Case," stating that he attempted to exhaust his administrative remedies and that Defendants failed to process his grievances. In support of his motion, Plaintiff submits copies of grievances dated "2012." Plaintiff states that he filed the grievances, but "Defendants" refused to process them. Plaintiff provides no additional details regarding Defendants' purported refusal to process his grievances. Furthermore, the documents presented do not contain a specific date, nor do they contain information confirming that they were actually submitted by Plaintiff and received by the proper prison official. The Court finds that the documents submitted are insufficient to rebut Defendants' evidence that Plaintiff failed to exhaust his administrative remedies.