

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

**ADDONES SPENCER  
ADC # 11060-027**

**PLAINTIFF**

**v.**

**No. 2:12-cv-209-DPM-BD**

**M. SHELDON, Lieutenant, FCI-Forrest City;  
MEYER, Doctor, FCI-Forrest City; and  
C. SAMUELS, Director, Federal Bureau of Prisons**

**DEFENDANTS**

**ORDER**

Magistrate Judge Beth M. Deere has recommended, *Document No. 27*, that the Court grant Sheldon and Meyer's motion for summary judgment because Spencer failed to exhaust his administrative remedies before filing suit. Spencer did not respond to the motion or object to Judge Deere's recommendation. The record on exhaustion, then, consists of Blair Summers's declaration that Spencer has not properly exhausted any allegation relevant to this lawsuit. *Document No. 20-1*. Reviewing the record for clear factual error and for legal error, FED. R. CIV. P. 72(b) (1983 addition to Advisory Committee note), the Court adopts Judge Deere's well-reasoned recommendation as its own opinion. Spencer's claims against Sheldon and Meyer are dismissed without prejudice.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

13 March 2013