

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

ADDONES SPENCER
Reg. # 11060-027

PLAINTIFF

v.

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


C. SAMUELS, Director, Federal Bureau of Prisons

DEFENDANT

ORDER

Spencer has not objected to Magistrate Judge Beth M. Deere's recommendation, *No* 37, that the Court dismiss his claims against Samuels – the only remaining defendant – because Spencer did not exhaust his claims against Samuels through the BOP's administrative process. Reviewing for clear error of fact on the face of the record and legal error, FED. R. CIV. P. 72(b) (1983 Addition to Advisory Committee Note), the Court adopts Judge Deere's recommendation in full. Samuels's motion for summary judgment, *No* 29, is granted on non-exhaustion. Spencer's claims against Samuels are dismissed without prejudice.

So Ordered.



D.P. Marshall Jr.
United States District Judge

6 August 2013