

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

CHARLES LAVELLE BAUSLEY

PLAINTIFF

v.

Case No. 6:17-cv-6027

E.W. BULUTION and
WENDY KELLY

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed April 10, 2017, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 5). Judge Bryant recommends that Plaintiff Charles Lavelle Bausley's case be dismissed with prejudice because Plaintiff failed to exhaust his administrative remedies before filing suit under 42 U.S.C. § 1983.¹

Plaintiff has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation *in toto*. Plaintiff's case is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 8th day of May, 2017.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge

¹ Judge Bryant also finds that Plaintiff has accumulated more than three frivolous-filer strikes under the Prisoner Litigation Reform Act, and recommends that even if this action was properly brought, Plaintiff would be barred from proceeding *in forma pauperis* in this case because he has not alleged that he is in imminent danger of serious physical injury.