

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 11-cv-00575-CMA-BNB

HERMAN BARNES, JR.,

Plaintiff,

v.

ALLRED,

Defendant.

**ORDER ADOPTING AND AFFIRMING SEPTEMBER 26, 2011 RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case was referred to United States Magistrate Judge Boyd N. Boland pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. On September 26, 2011, the Magistrate Judge issued a Recommendation (Doc. # 39) concerning Defendant's Motion for Summary Judgment. The Magistrate Judge recommended that Defendant's Motion (Doc. # 31) be granted and this civil action be dismissed without prejudice. On October 5, 2011, Plaintiff, proceeding *pro se*, filed timely objections to the Recommendation. (Doc. # 41.)

The Magistrate Judge recommended that the Complaint should be dismissed because Plaintiff failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act ("PLRA"). The PLRA requires prisoners to exhaust all available administrative remedies prior to filing a lawsuit challenging prison conditions. See 42

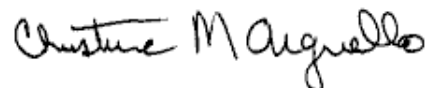
U.S.C. § 1997e(a). The Tenth Circuit has held that “a grievance satisfies the § 1997e(a)’s exhaustion requirement so long as it provides prison officials with enough information to investigate and address the inmate’s complaint internally.” *Kikumura v. Osagie*, 461 F.3d 1269, 1285 (10th Cir. 2006) (overruled on other grounds).

This Court has conducted a *de novo* review of this matter, including carefully reviewing all relevant pleadings, the Report and Recommendation, and Plaintiff’s Objections to the Report and Recommendation. Based on this review, the Court agrees with the Magistrate Judge that the administrative grievances filed by Plaintiff were not sufficient to put prison officials on notice that Defendant wrongfully denied him a liver biopsy and hepatitis treatment, as alleged in Plaintiff’s Complaint. In his objections, Plaintiff simply notes that he filed administrative grievances but fails to explain how the grievances put prison officials on notice. Therefore, Plaintiff’s Objections are **OVERRULED** and the Court hereby **ADOPTS** the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is **ORDERED** that Defendant’s Motion for Summary Judgment (Doc. # 31) be **GRANTED** and that the Complaint be **DISMISSED WITHOUT PREJUDICE**.

DATED: October 06, 2011

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge