

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

Civil Action No. 13-cv-01742-CMA-KMT

CLAUDE McCLAIN,

Plaintiff,

v.

D. BERKEBILE, Warden, FPC Florence,  
FNU MNU LNU, Regional Medical Director,  
North Central Region, Federal Bureau of Prisons,  
DR. SANTINI, Physician Care Provider, FPC Florence,  
D.K. GRIGGS, Camp Administrator,  
MS. S. BEIRKER, Case Manager, and  
MS. B. VANHUA, Medical Administrator of Medical Records,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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This matter is before the Court on Defendants' Motion for Summary Judgment (Doc. # 27). For the following reasons, the Court grants Defendants' motion.

At the time of the events alleged in the Amended Complaint, Plaintiff was an inmate in the custody of the Bureau of Prisons ("BOP"), and resided at the Federal Prison Camp ("FPC") in Florence, Colorado. (Doc. # 15 at 2.) The only remaining causes of action in his First Amended Complaint are two Eighth Amendment claims relating to the conditions in which he lived at FPC. The government alleges and substantiates, through a declaration from a BOP official, that Plaintiff has not pursued

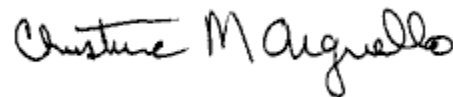
either of his remaining claims with the BOP Administrative Remedy program. See Doc. # 27-1, ¶¶ 14, 28. Plaintiff has not disputed any of the facts raised in the government's affidavit—indeed, he has not even responded to the summary judgment motion.

Plaintiff's undisputed failure to exhaust administrative remedies before filing this action precludes any relief from this Court. See 42 U.S.C.A. § 1997e(a) ("No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.").

Accordingly, it is ORDERED that Defendant's Motion for Summary Judgment (Doc. # 27) is GRANTED and that the Complaint is DISMISSED WITHOUT PREJUDICE.

DATED: April 25, 2014

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge