

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**DANIEL PAUL SIEFKEN,**

**Plaintiff,**

**v.**

**VICTOR WALKER, *et al.*,**

**Defendants.**

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**CIVIL ACTION NO. 5:11-CV-144 (MTT)**

**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 24). In his complaint, the Plaintiff contends that, while incarcerated at Baldwin State Prison, the Defendants failed to place him in protective custody, which resulted in him being assaulted by another inmate on December 31, 2010. The Plaintiff also claims that the Defendants' subsequent refusal to place him in protective custody was improper.

The Magistrate Judge recommends granting the Defendants' motion to dismiss due to the Plaintiff's failure to exhaust his administrative remedies prior to filing suit, as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a). The Plaintiff has filed an objection to the Recommendation (Doc. 25), and the Defendants have filed a response thereto (Doc. 26). Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Defendants' motion to dismiss is **granted**. Moreover, to the extent the Plaintiff seeks prospective injunctive relief, that claim is **denied as moot**. *McKinnon v. Talladega Cnty, Ala.*, 745 F.2d 1360, 1363 (11th Cir. 1984) (noting the general rule that "a prisoner's transfer or release from a jail moots his individual claim for declaratory and injunctive relief"). This action is hereby **dismissed without prejudice**.

**SO ORDERED**, this 28th day of December, 2011.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT