

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TORANDO FAIRLEE,

Plaintiff,

v.

ROGER E. WALKER, et al.,

Defendants.

Case No. 08-cv-29-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the defendants' motion for summary judgment (Doc. No. 19). The motion was filed on June 19, 2009. Plaintiff's response was due by July 20, 2009. When a response was not filed in a timely manner, plaintiff was ordered to file a responsive brief by August 3, 2009 (Doc. No. 21). Once again, plaintiff failed to respond. The absence of a response may be construed as an admission that the defendants are entitled to the relief they seek in their motion. SDIL-LR 7.1(c).

Plaintiff is proceeding on a § 1983 claim pertaining to the conditions of his confinement. He claims that the defendants responded to his serious medical needs with deliberate indifference when they failed to provide a vegetarian diet. The defendants seek judgment in their favor, claiming that plaintiff failed to exhaust his administrative remedies.

A prisoner must exhaust all available administrative remedies before he brings a civil rights action in federal court challenging any aspect of prison life. See 42 U.S.C. § 1997e(a); *Porter v. Nussle*, 534 U.S. 516, 532 (2002); *Obrecht v. Raemisch*, 517 F.3d 489, 492 (7th Cir. 2008).

The defendants' motion (Doc. No. 19) is GRANTED. Fairlee's claims are dismissed without prejudice for failure to exhaust administrative remedies.

IT IS SO ORDERED.**DATED: August 17, 2009****s/ J. Phil Gilbert**
J. PHIL GILBERT
DISTRICT JUDGE