

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

VIRNELL JONES (# 120618)

CIVIL ACTION

VERSUS

BURL CAIN, ET AL.

NO.: 14-00014-BAJ-SCR

RULING AND ORDER

On February 20, 2014, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Virnell Jones's complaint be dismissed for failure to state a claim, predicated on Plaintiff's failure to exhaust available administrative remedies pursuant to 42 U.S.C. § 1997e(a). (Doc. 12.) Plaintiff asserts that he experienced complications to his health after he was administered the wrong medication. Plaintiff also alleges that his inmate account was improperly charged for an item he sent home because the item was never delivered.

The Magistrate Judge's Report and Recommendation specifically notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 12, at 1.) A review of the record indicates that Plaintiff filed a timely objection to the Magistrate Judge's Report and Recommendation on February 27, 2014.

Having carefully considered the Magistrate Judge's Report, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report is correct, and hereby adopts its findings of fact, conclusions of law, and recommendation.¹

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report (Doc. 12)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that the above captioned matter is **DISMISSED**, without prejudice, for failure to exhaust available administrative remedies pursuant to 42 U.S.C. § 1997e(a),

IT IS FURTHER ORDERED that the above captioned matter is **DISMISSED**, with prejudice, to Plaintiff's refiling the complaint in forma pauperis.

Baton Rouge, Louisiana, this 28th day of July, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

¹ Plaintiff's objection primarily asserts that he has no knowledge of how to file a complaint in accordance with the Adult Administrative Remedy Procedure ("ARP"). (Doc. 13.) He further asserts that, due to being "on lockdown" for a period of three months, he had no ability to access the prison law library or mingle with Angola inmates. (*Id.*) Finally, Plaintiff asserts that there is nothing in his location at the prison to inform him how to file an ARP. (*Id.*)

The Court notes that, while Plaintiff asserts that he has no knowledge about the procedure to file an ARP, he does not disagree with the Magistrate Judge's finding that the ARP procedure was not complied with. As such, the Court adopts the Magistrate Judge's conclusion that Plaintiff failed to exhaust administrative remedies before filing suit.