

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CARLOS A. CABRERA-RUIZ

PETITIONER

v.

CIVIL ACTION NO. 3:13cv828-DPJ-FKB

ARCHIE B. LONGLEY

RESPONDENT

ORDER

This petition is before the Court on the Report and Recommendation [15] of the United States Magistrate Judge recommending dismissal for failure to exhaust. Petitioner Carlos A. Cabrera-Ruiz filed a timely objection [16]. Magistrate Judge Ball concluded that Cabrera-Ruiz failed to exhaust his administrative remedies by failing to perfect an administrative appeal to the Bureau of Prisons' general counsel, the final level of review in the BOP's Administrative Remedy Program under 28 C.F.R. § 542.10 *et seq.* In his objection, Cabrera-Ruiz does not directly address the point, but conclusorily asserts that he "has been filed all his remedy process in order that he can have the appropriate access to the court under 28 U.S.C. 2241 Motion to the best of his knowledge." Obj. [16]. The Court agrees that Cabrera-Ruiz has not demonstrated that he exhausted prior to filing suit.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court. Cabrera-Ruiz's claims are dismissed without prejudice for failure to exhaust.

SO ORDERED AND ADJUDGED this the 8th day of October, 2014.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE