

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**ROY NEALY**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 4:11-cv-187HTW-LRA**

**SHERIFF JAMES MOORE**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the court pursuant to the Report and Recommendation of United States Magistrate Judge Linda R. Anderson which clearly notified the respective parties in the above-styled and numbered cause that failure to file written objections to the findings and recommendations contained therein within fourteen (14) days from the date of filing would bar further appeal in accordance with Title 28 U.S.C. § 636, and this court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the order of this court.

This court grants the Defendant's [**Docket no. 26**] Motion to Dismiss or in the Alternative for Summary Judgment on the grounds that plaintiff did not exhaust his administrative remedies prior to filing suit. Alternatively, the Complaint is dismissed due to Plaintiff's failure to prosecute under FED. R. CIV. P. 41(b). A Final Judgment will be entered in favor of Defendant.

**SO ORDERED, this the 30<sup>th</sup> day of November, 2013.**

**s/ HENRY T. WINGATE**  
**UNITED STATES DISTRICT JUDGE**