

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-00406-FDW

BRUCE STANLEY JONES,)
)
 Plaintiff,)
)
 v.)
)
 FNU MCCOY,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on an initial review of the *pro se* complaint filed by Plaintiff pursuant to 42 U.S.C. § 1983.

Plaintiff is a prisoner of the State of North Carolina and in his complaint he alleges that Defendant McCoy, whom he identifies as an officer within Lanesboro Correctional Institution, pepper sprayed him and this action caused him lasting injury. Plaintiff contends that he filed a grievance regarding this incident but he indicates he does not know the disposition of the grievance. (3:15-cv-00406, Doc. No. 1: Compl. at 2).

The Prisoner Litigation Reform Act (PLRA) provides that a prisoner shall exhaust all available administrative remedies prior to filing a § 1983 complaint. See 42 U.S.C. § 1997e(a). In North Carolina, State prisoners must complete a three-step administrative remedy procedure in order to fully exhaust their administrative remedies. See N.C. Gen. Stat. §§ 148-118.1 to 148-118.9 (Article 11A: Corrections Administrative Remedy Procedure); Moore v. Bennette, 517 F.3d 717, 721 (4th Cir. 2008).

It appears from the face of the complaint that Plaintiff may not have exhausted his administrative remedies and he will therefore be ordered to provide a copy of his initial grievance

regarding the alleged pepper spray incident and the responses from the prison officials, including the Step-Three response to his grievance.

IT IS, THEREFORE, ORDERED that Plaintiff shall submit a copy of his initial grievance and the responses thereto, including the Step-Three response to his grievance within 14-days from entry of this Order. Plaintiff is notified that failure to comply with this Order will result in the dismissal of his complaint without prejudice and without further notice.

SO ORDERED.

Signed: September 10, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

