

As addressed in the R&R, there are legal barriers to Plaintiff's claims. First, Plaintiff has failed to exhaust his administrative remedies. *See Moore v. Bennette*, 517 F.3d 717, 725 (4th Cir. 2008); 42 U.S.C. § 1997e(a). Second, Plaintiff's claim fails on the merits. The recommendations from a group like the American Correctional Association do not establish the Constitutional ceiling or floor and are merely instructive. *See Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367, 391 n. 13 (1991) (noting that recommendations from groups are helpful but do not set the Constitutional limitations). Moreover, the United States Supreme Court has found that double-celling inmates does not constitute cruel and unusual punishment. *See Rhodes v. Chapman*, 452 U.S. 337, 350 (1981).

Conclusion

Accordingly, the Complaint is **dismissed**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

January 5, 2011
Charleston, South Carolina