

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BRIAN K. JONES, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	3:07-cv-317
	)	<i>Phillips</i>
	)	
CORP. BILL FANCHER,	)	
	)	
Defendant.	)	

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the defendant's motion for summary judgment is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies. All other pending motions are **DENIED** as **MOOT**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge

ENTERED AS A JUDGMENT  
s/ Patricia L. McNutt  
CLERK OF COURT