

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JACK ABBOTT GREBE, JR. §
VS. § CIVIL ACTION NO. 1:08CV640
ANTHONY BOYD, ET AL. §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff, Jack Abbott Grebe, Jr., an inmate formerly confined at FCI Beaumont Low, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) against former Associate Warden Anthony Boyd and Warden M. Martin.

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends that defendants' motion for summary judgment be granted and that plaintiff's civil rights complaint be dismissed for failure to exhaust administrative remedies.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b). After due consideration, the Court is of the opinion that plaintiff's objections are lacking in merit. As the Magistrate Judge correctly noted, there is no question of material fact as to whether plaintiff has exhausted his administrative remedies and plaintiff has failed to establish that his failure to exhaust his administrative remedies should be excused. He did not utilize the sensitive issues protocol, which allows an inmate to submit a request directly with a Regional Director.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

So **ORDERED** and **SIGNED** this **10** day of **August, 2011**.



Ron Clark, United States District Judge