



review examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having reviewed Plaintiff's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. It is accordingly


**ORDERED** that the Report and Recommendation (Docket No. 232) is **ADOPTED**. It is further

**ORDERED** that Defendants Assava, Dr. Shrode, and White's Motion for Summary Judgment (Docket No. 193) is **GRANTED IN PART** and **DENIED IN PART**. It is

**ORDERED** that Plaintiff's claims against Defendants Assava and Dr. Shrode are **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to exhaust his administrative remedies. It is finally

**ORDERED** that Plaintiff's claims against Defendant White are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust his administrative remedies, except for his claims against Defendant White for allegedly delaying Plaintiff's physical therapy appointments for December 22, 2016 and January 25, 2017. Plaintiff's claims against Defendant White for allegedly delaying Plaintiff's physical therapy appointments for December 22, 2016 and January 25, 2017 shall be allowed to proceed.

So **ORDERED** and **SIGNED** this **1st** day of **September, 2020**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE