

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JUN 15 2005
JOHN F. CORCORAN, CLERK
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JOHN R. EVANS, ET AL.,)
Plaintiffs,)
)
v.)
)
ORANGE CENTRAL VIRGINIA)
REGIONAL JAIL, ET AL.,)
Defendants.)

Civil Action No. 7:05-CV- 00369

MEMORANDUM OPINION

By: Hon. Glen E. Conrad
United States District Judge

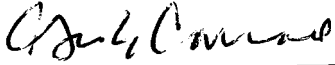
Plaintiff John R. Evans, a Virginia inmate located at the Orange Central Virginia Regional Jail (CVRJ) and proceeding pro se, brings this civil rights action, pursuant to 42 U.S.C. § 1983, with jurisdiction vested under 28 U.S.C. § 1343. Evans brings this suit on his own behalf and that of the other inmates incarcerated in the H-Block at CVRJ. Evans alleges that on May 25, 2005, inmates were removed from a cell in H-Block and that the cell was quarantined. Evans alleges that the inmates have not been provided any information about why the cell was quarantined. Evans seeks information about why the cell was quarantined, medical examinations for all inmates in H-Block, and monetary damages for exposure to an unknown illness. Evans and other inmates signed the instant petition on May 27, 2005. It is not possible for Evans to have exhausted his administrative remedies in two days. Therefore, the court must dismiss Evans's petition, without prejudice, pursuant to 42 U.S.C. § 1997e(a).

Under 42 U.S.C. § 1997e(a), an inmate must exhaust all available administrative remedies prior to filing a civil rights claim in federal court. The court must dismiss any unexhausted claims without prejudice. Once the plaintiff has exhausted his administrative remedies regarding these claims, he may re-file his complaint.

Evans has not exhausted his administrative remedies. Therefore, this court will file the

complaint in forma pauperis and dismiss it without prejudice, pursuant to 42 U.S.C. § 1997e(a), for failure to exhaust administrative remedies. Evans may refile this complaint after he exhausts his administrative remedies.

ENTER: This 14th day of June, 2005.



UNITED STATES DISTRICT JUDGE