

FILED
for Roanoke
OCT 21 2013

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

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

LAMONT O. DOUGLAS,) Civil Action No. 7:11-cv-00468
Plaintiff,)
)
v.) FINAL ORDER
)
GENE JOHNSON, et al.,) By: Hon. Jackson L. Kiser
Defendants.) Senior United States District Judge

Lamont O. Douglas, a Virginia inmate proceeding pro se, filed a civil rights Complaint pursuant to 42 U.S.C. § 1983. I previously granted in part various defendants' first motion for summary judgment and terminated them as parties, and I denied in part current defendants Turner, Tate, Gilbert, and Wright's motion for summary judgment for plaintiff's Fourth Amendment claims of bystander liability. Specifically, plaintiff alleged that Turner, Tate, Gilbert, and Wright, who are correctional officers at Red Onion State Prison ("ROSP"), permitted female staff to observe him naked during strip searches. I referred the question of whether Plaintiff exhausted administrative remedies for the remaining claim, pursuant to 42 U.S.C. § 1997e(a), to United States Magistrate Judge Pamela Meade Sargent for appropriate proceedings, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge conducted an evidentiary hearing on August 9, 2013, and she has since submitted a report in which she recommends that the court find in favor of defendants Turner, Tate, Gilbert, and Wright because Plaintiff failed to exhaust available administrative remedies. The Magistrate Judge advised the parties that they had fourteen days to file any written objection to her report. The fourteen-day period has expired, and no objections have been filed.

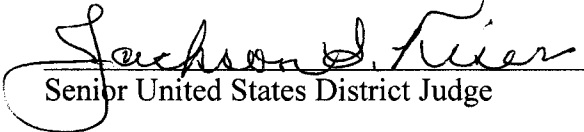
For the reasons stated in the Magistrate Judge's Report and Recommendation, and in the absence of any objections thereto, it is hereby

ORDERED and ADJUDGED

that the Report and Recommendation is **ADOPTED** in its entirety; defendants' motion for summary judgment is **GRANTED**; plaintiff's motion for copies is **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order to the parties.

ENTER: This 21st day of October, 2013.


Senior United States District Judge