

OCT 25 2013

JULIA C. BUONICCONTI, CLERK  
BY: *[Signature]*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

COREY JERMAIN SMITH,	)	CASE NO. 7:13CV00329
	)	
Plaintiff,	)	
v.	)	FINAL ORDER
	)	
	)	
LT. ELY, <u>ET AL.</u> ,	)	By: James C. Turk
	)	Senior United States District Judge
Defendant(s).	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that this civil rights action brought under 42 U.S.C. § 1983 is summarily **DISMISSED** without prejudice, based on plaintiff's failure to exhaust available administrative remedies as required by 42 U.S.C. § 1997e(a); all pending motions (ECF Nos. 31, 36, 39, 41, & 51) are **DISMISSED** as moot; and this action is stricken from the active docket of the court.

ENTER: This 25<sup>th</sup> day of October, 2013.

*[Signature]*  
Senior United States District Judge