

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

<p>CARNELL D. MCELROY, SR.,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p>v.</p> <p>HAROLD W. CLARKE, ETC., ET AL.,</p> <p style="padding-left: 100px;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 7:16CV00245</p> <p>FINAL ORDER</p> <p>By: James P. Jones United States District Judge</p>
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For the reasons set forth in the Opinion accompanying this Final Order, it is

ORDERED as follows:

1. The defendants’ Motion for Summary Judgment (ECF No. 22) is **GRANTED** on the ground that the plaintiff failed to exhaust administrative remedies as required under 42 U.S.C. § 1997e(a) as to his first three claims, and they are **DISMISSED WITH PREJUDICE**;

2. The plaintiff’s fourth claim, concerning the April 2016 finding that he was ineligible for reinstatement to the Common Fare until 2019, is **DISMISSED WITH PREJUDICE** under 28 U.S.C. § 1915A(b)(1) for failure to state a claim; and

3. The plaintiff’s action is **DISMISSED** and the clerk shall close the case.

ENTER: June 14, 2017

/s/ James P. Jones _____
United States District Judge