

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JEFFREY BRANDON ARTHUR,

Plaintiff,

v.

CIVIL ACTION NO. 2:09-cv-00807

GERALD WALLS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

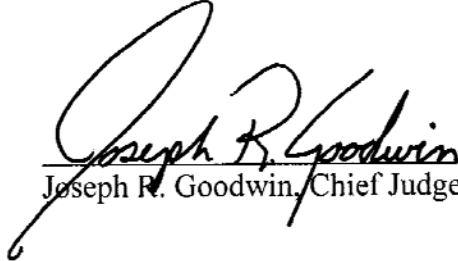
The plaintiff in this case is a state prisoner who claims he was assaulted by state prison guards, in violation of his federal rights. Pending before the court is the defendants' Motion to Dismiss [Docket 9].

This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for proposed findings of fact and recommendation for disposition. On January 27, 2010, the Magistrate Judge filed her Proposed Findings and Recommendation ("PF&R"), recommending that the court grant the defendants' Motion to Dismiss. The Magistrate Judge's recommendation was based solely on the plaintiff's failure to exhaust administrative remedies, as required by the Prisoner Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a).

The plaintiff timely filed objections to the PF&R on February 3, 2010. Having reviewed the objections *de novo*, I **FIND** they are without merit. Accordingly, I **ADOPT** the Magistrate Judge's factual findings, and **GRANT** the defendants' Motion to Dismiss [Docket 9]. This dismissal is **without prejudice**.

The court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Stanley,
counsel of record and any unrepresented party.

ENTER: February 10, 2010


Joseph R. Goodwin, Chief Judge