



his objection. (Doc. 33). Additionally, notwithstanding Plaintiff's failure to previously raise such arguments, there is an administrative procedure that must be followed when a prisoner believes that his grievances have been lost, destroyed or ignored. *Id.* Prisoners in this situation must file an appeal of these circumstances to the Commissioner's Office. Plaintiff, again, has clearly failed to follow the designated administrative grievance procedure.<sup>1</sup> For all of the above reasons, Plaintiff's Objections (Doc. 31) are **OVERRULED**.

Accordingly, upon full review and consideration upon the record, the Court finds that said Report and Recommendation (Doc. 29) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the findings made, reasons stated and conclusions reached herein. Therefore, Defendant Shootes's Motion to Dismiss (Doc. 12) and Defendant Cross's Motion for Summary Judgment (Doc.18) are **GRANTED** and Plaintiff's claims are **DISMISSED**.

**SO ORDERED**, this 12<sup>th</sup> day of September, 2008.

/s/W. Louis Sands  
**THE HONORABLE W. LOUIS SANDS,**  
**UNITED STATES DISTRICT COURT**

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<sup>1</sup>

Here, the Court need not, and does not, address the merits of any allegation that the grievance system is inadequate or ineffective, because Plaintiff has not made the proper showing to support such a contention nor has Plaintiff properly raised such issues.