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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAYMAR DODDS,

Plaintiff,

v.

E. LASCANO, et al.,

Defendants.

CASE NO. 1:09-CV-00656-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL

(DOC. 42)

DEFENDANTS LASCANO AND HAMLIN’S
ANSWER DUE WITHIN TWENTY (20)
DAYS

Plaintiff Jaymar Dodds (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 15, 2010 and April 6, 2011, Defendants filed motions to dismiss for Plaintiff’s failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a). Def. Williams’s [Mot. Dismiss](#), Doc. 30; Defs. Lascano and Hamlin’s [Mot. Dismiss](#), Doc. 36. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 13, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within twenty-one days. Neither party filed a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed July 13, 2011, is adopted in full;
- 3 2. Defendant Williams's motion to dismiss, filed November 15, 2010, is GRANTED
- 4 in full;
- 5 3. Defendant Williams is dismissed without prejudice for Plaintiff's failure to exhaust
- 6 administrative remedies pursuant to 42 U.S.C. § 1997e(a);
- 7 4. Defendants Lascano and Hamlin's motion to dismiss, filed April 6, 2011, is
- 8 GRANTED in part and DENIED in part;
- 9 5. Plaintiff's condition of confinement claim against Defendant Lascano is dismissed
- 10 without prejudice for Plaintiff's failure to exhaust administrative remedies pursuant
- 11 to 42 U.S.C. § 1997e(a);
- 12 6. Defendants' motion to dismiss Plaintiff's retaliation claim is DENIED; and
- 13 7. Defendants Lascano and Hamlin are to serve and file an answer within twenty (20)
- 14 days from the date of service of this order.

15 IT IS SO ORDERED.

16 Dated: September 20, 2011

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19 CHIEF UNITED STATES DISTRICT JUDGE
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