O

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GABRIEL MANGUM,

Petitioner,

vs.

RICHARD B. IVES, Warden,

Respondent.

Case No. CV 13-4276-MWF (RNB)

ORDER ACCEPTING FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file herein, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge.

The magistrate judge correctly determined that petitioner has not exhausted his administrative remedies. Petitioner objects that he has completed the third stage of review, and in his objections offers an Exhibit A as proof. The Court rejects petitioner's objection for two reasons: ***First,*** this evidence was not presented to the magistrate judge. ***Second,*** even if this Court accepted petitioner's new evidence, his Exhibit A is a further admission that the fourth stage of his

administrative remedies is not completed.

IT THEREFORE IS ORDERED that (1) respondent's Motion to Dismiss is granted; and (2) Judgment be entered dismissing this action without prejudice.

DATED: October 22, 2013

MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE