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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUETZAL CONTRERAZ,

Plaintiff,

vs.

D. ADAMS, et al.,

Defendants.

1:04-cv-06039-LJO-GSA-PC

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 80.)

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS
(Doc. 44.)

ORDER DISMISSING CERTAIN
FIRST AMENDMENT CLAIMS
FROM THIS ACTION, BASED ON
PLAINTIFF'S FAILURE TO EXHAUST
REMEDIES

ORDER DISMISSING DEFENDANT
HETEBRINK FROM THIS ACTION,
BASED ON PLAINTIFF'S FAILURE TO
EXHAUST REMEDIES

ORDER FOR THIS CASE TO PROCEED
ONLY AGAINST DEFENDANTS
RAYMOND AND ADAMS, ON
PLAINTIFF'S FIRST AMENDMENT
CLAIMS CONCERNING INMATE
GROOMING STANDARDS

_____ /

Quetzal Contreras ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. 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 March 21, 2012, [findings and recommendations](#) were entered, recommending that defendants' motion to dismiss be granted, dismissing certain claims and dismissing defendant Hetebrink from this

1 action, based on Plaintiff's failure to exhaust administrative remedies before filing suit. Plaintiff was
2 provided an opportunity to file objections to the findings and recommendations within thirty days. To
3 date, Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court
5 has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds
6 the findings and recommendations to be supported by the record and proper analysis.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on March 21, 2012,
9 are ADOPTED in full;
- 10 2. Defendants' motion to dismiss, filed on May 17, 2010, is GRANTED;
- 11 3. Plaintiff's claims that defendants violated his First Amendment rights when they denied
12 Plaintiff's request for a religious diet and denied Plaintiff's request for chapel access to
13 perform full moon rituals are DISMISSED from this action, based on Plaintiff's failure
14 to exhaust administrative remedies before filing suit;
- 15 4. Defendant Hetebrink is DISMISSED from this action, based on Plaintiff's failure to
16 exhaust administrative remedies for the claims against him before filing suit;
- 17 5. This action now proceeds only against defendants Raymond and Adams, on Plaintiff's
18 claims for violation of the Free Exercise Clause of the First Amendment based on the
19 denial of Plaintiff's request for an exemption from the prison's inmate grooming
20 standards for religious reasons; and
- 21 6. The Clerk is directed to REFLECT on the court's docket the dismissal of defendant
22 Hetebrink from this action.

23 IT IS SO ORDERED.

24 **Dated: May 1, 2012**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE