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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 CARLOS HENDON,

1:05-cv-01247-AWI-GSA-PC

10 Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 45.)

11 vs.

12 BAROYA, et al.,

ORDER DENYING DEFENDANTS'
MOTION TO DISMISS FOR FAILURE
TO EXHAUST
(Doc. 42.)

13 Defendants.
14 _____/

15 Carlos Hendon ("Plaintiff") is a state prisoner proceeding pro se in this civil rights
16 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
17 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On July 23, 2010, findings and recommendations were entered, recommending that
19 Defendants' motion to dismiss for failure to exhaust, filed on November 24, 2009, be denied. The
20 parties were provided an opportunity to file objections to the findings and recommendations within
21 thirty days. To date, no objections have been filed.

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

25 Accordingly, THE COURT HEREBY ORDERS that:

26 1. The Findings and Recommendations issued by the Magistrate Judge on July 23,
27 2010, are adopted in full; and
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1 2. Defendants' motion to dismiss for failure to exhaust, filed on November 24, 2009,
2 is DENIED; and

3 3. This action is referred to the Magistrate Judge for further proceedings.
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5 IT IS SO ORDERED.

6 Dated: September 5, 2010
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CHIEF UNITED STATES DISTRICT JUDGE