

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

CEDRIC GREENE,

Plaintiff,

1: 06 CV 0518 OWW WMW PC

vs.

ORDER RE: FINDINGS &
RECOMMENDATIONS (#31)

B. SANDERS, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On November 19, 2008, [findings and recommendations](#) were entered, recommending dismissal of this action for Plaintiff’s failure to exhaust his available administrative remedies prior to filing suit, pursuant to 42 U.S.C. § 1997 e(a). . On January 29, 2009, Plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, 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 proper analysis.

1 Accordingly, THE COURT HEREBY ORDERS that:

2 1. The Findings and Recommendations issued by the Magistrate Judge on
3 November 19, 2008, are adopted in full; and

4 2. This action is dismissed without prejudice for Plaintiff's failure exhaust his
5 available administrative remedies prior to filing suit. The Clerk is directed to close this case.
6
7
8
9
10

11 IT IS SO ORDERED.

12 **Dated:** February 17, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE