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

DANIEL ROWE,

1:06-cv-01171-LJO-SMS-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 28.)

vs.

J. KURTZ, et al.,

ORDER GRANTING DEFENDANT
RODRIGUEZ' MOTION TO DISMISS
FOR FAILURE TO EXHAUST
(Doc. 21.)

Defendants.

ORDER DISMISSING DEFENDANT
RODRIGUEZ FROM THIS ACTION

_____ /

Daniel Rowe (“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 72-302.

On February 4, 2010, findings and recommendations were entered, recommending that defendant Rodriguez' motion to dismiss be granted and defendant Rodriguez be dismissed from this action based on plaintiff's failure to exhaust administrative remedies against her prior to filing suit. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-
2 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and proper
4 analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

6 1. The Findings and Recommendations issued by the Magistrate Judge on February
7 4, 2010, are ADOPTED in full;

8 2. Defendant Rodriguez' motion to dismiss, filed on July 13, 2009, is GRANTED;

9 3. Defendant Rodriguez is dismissed from this action, based on plaintiff's failure to
10 exhaust administrative remedies against her before filing suit; and

11 4. The Clerk of Court is directed to reflect the dismissal of defendant Rodriguez from
12 this action on the court's docket.

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14 IT IS SO ORDERED.

15 **Dated:** March 12, 2010

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

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