UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ISHMAEL DELANEY,

Plaintiff,

v.

JAMES E. TILTON, et al.,

Defendants.

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CASE NO. 1:07-cv-01219 LJO DLB PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, AND GRANTING IN PARTY AND DISREGARDING IN PART MOTION TO DISMISS

(Doc. 93)

Plaintiff Ishmael Delaney has filed this civil rights action seeking relief under 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 May 19, 2009, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. On June 18, 2009, Plaintiff filed an Objection.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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 by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed May 19, 2009, is adopted in full;
2. Defendant Santiago's Motion to Dismiss for Failure to Exhaust Administrative Remedies Prior to Filing Suit, filed April 13, 2009, is GRANTED and the federal claims are dismissed without prejudice;
3. Defendant Santiago's Motion to Dismiss for Failure to State any Federal Claims Upon Which Relief May Be Granted is DISREGARDED;
4. The Court decline to exercise supplemental jurisdiction over Plaintiff's state claims against Defendant Santiago and these claims are dismissed from this action without prejudice; and
5. Defendant Santiago is dismissed from this action.

IT IS SO ORDERED.

Dated: July 7, 2009

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