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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FATEEM L. JACKSON,

CASE NO. 1:07-cv-01414-LJO-SMS PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING MOTION
TO DISMISS FOR FAILURE TO EXHAUST

v.

CALIFORNIA DEPARTMENT
OF CORRECTIONS AND
REHABILITATION, et al.,

(Docs. 32 & 39)

Defendants.

Plaintiff Fateem L. Jackson is a state prisoner proceeding pro se and in forma pauperis 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 April 21, 2010, the Magistrate Judge filed a Findings and Recommendations herein, on the motion to dismiss¹ filed by Defendants Selbach, Rubin, Payan, Pantoja, Wood, Yoder, Carrasco, and Zanchi, 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. Neither side filed any objection(s).

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

¹ The motion sought dismissal for failure to exhaust administrative remedies on Plaintiff's claims against Defendants Pantoja, Payan, Rubin, Selbach, Wood, and Yoder under Fed. R. Civ. P. 12(b) and all moving Defendants asserted that they were entitled to qualified immunity.

1 and Recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed April 21, 2010 (Doc. 39), is adopted in
4 full; and
- 5 2. The motion to dismiss filed, on November 23, 2009 (Doc. 32), by Defendants
6 Selbach, Rubin, Payan, Pantoja, Wood, Yoder, Carrasco, and Zanchi is DENIED.

7
8 IT IS SO ORDERED.

9 Dated: May 27, 2010

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