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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SIMON CAZARES,) Case No.: 1:08-cv-00232-AWI-SAB (PC)
)
Plaintiff,)
)
v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATION, DENYING DEFENDANT
) TAREK’S MOTION TO DISMISS FOR FAILURE
) TO EXHAUST ADMINISTRATIVE REMEDIES,
) AND REFERRING MATTER BACK TO
) MAGISTRATE JUDGE FOR FURTHER
) PROCEEDINGS
)
NASSIF TAREK, et al.,)
)
Defendants.) [ECF No. 29]
)

Plaintiff Simon Cazares is appearing 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 October 11, 2013, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that Objections to the Findings and Recommendations were to be filed within ten days. No Objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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 on October 11, 2013, is adopted in full;
2. Defendant Tarek's motion to dismiss is DENIED; and
3. The matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: November 19, 2013



SENIOR DISTRICT JUDGE