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

KELLY MORGAN,

1:08-cv-00233-LJO-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 67.)

vs.

TILTON, et al.,

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS
(Doc. 57.)

Defendants.

_____ /

Kelly Morgan (“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 302.

On September 5, 2012, [findings and recommendations](#) were entered, recommending that Defendant's motion to dismiss for failure to exhaust be denied. (Doc. 67.) The parties were provided an opportunity to file objections to the findings and recommendations within twenty days. To date, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, 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.

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Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on September 5, 2012, are adopted in full; and
2. Defendant's motion to dismiss, filed on December 22, 2011, is DENIED.

IT IS SO ORDERED.

Dated: September 28, 2012

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