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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAMON REYMUNDO,

Plaintiff,

v.

JAMES HARTLEY, et al.,

Defendants.

CASE NO. 1:08-CV-01900-OWW-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT’S MOTION TO DISMISS

(DOCS. 28, 34)

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Plaintiff Ramon Reymundo (“Plaintiff”) is a former California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant Bouhaben. On December 9, 2010, Defendant Bouhaben filed a [motion to dismiss](#) for Plaintiff’s failure to exhaust administrative remedies. Doc. 28. 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 August 4, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. Doc. 34. Neither party filed a timely Objection to the Findings and Recommendations.

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

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed August 4, 2011, is adopted in full;
- 3 2. Defendant Bouhaben's motion to dismiss, filed December 9, 2011, is GRANTED in
4 full;
- 5 3. This action is dismissed without prejudice for Plaintiff's failure to exhaust
6 administrative remedies pursuant to 42 U.S.C. § 1997e(a); and
- 7 4. The Clerk of the Court is directed to close this action accordingly.

8 IT IS SO ORDERED.

9 **Dated:** September 6, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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