UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KELVIN ALLEN, Plaintiff,	 1:09cv00729 LJO DLB PC ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING DEFENDANTS' MOTION FOR
vs.) JUDGMENT ON THE PLEADINGS
MEYER, et al.,) (Document 81)
Defendants.	<u>)</u>

Plaintiff Kelvin Allen ("Plaintiff") is a California state prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is represented by counsel for the limited purpose of resolving the issue of exhaustion of administrative remedies.

On November 25, 2014, Defendants filed the instant motion for judgment on the pleadings based on Plaintiff's failure to exhaust his claim as to Defendants Botello and Zuniga. 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 22, 2015, the Magistrate Judge issued <u>Findings and Recommendations</u> that Defendants' motion be denied. The Findings and Recommendations were served on the parties and contained notice that any objections must be filed within thirty days. The parties did not file objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a <u>de novo</u> 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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed April 22, 2015, are adopted in full; and
- 2. Defendants' motion for judgment on the pleadings (Document 66) is DENIED.

IT IS SO ORDERED.

Dated: May 29, 2015 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE