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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD ALAN LAWSON,

Plaintiff,

v.

DONALD YOUNGBLOOD, et al.,

Defendants.

Case No. 1:09-cv-00992-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
DEFENDANTS' MOTION TO DISMISS
ACTION FOR FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES**

(ECF Nos. 64, 71)

Plaintiff Richard Alan Lawson is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed 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 of the United States District Court for the Eastern District of California.

On January 23, 2014, the Magistrate Judge issued Findings and Recommendations that Defendants' Motion to Dismiss filed May 29, 2013 should be denied. On February 6, 2014, Defendants filed Objections to the Findings and Recommendations.

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

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

3 Defendants object that statements made by Plaintiff immediately following the
4 incident were neither intended as nor sufficient as a verbal grievance; and that the KCSD
5 grievance process remained available to Plaintiff after his transfer to Lerdo because he
6 returned to the Downtown Jail (where the alleged incident occurred) on at least two
7 subsequent occasions. However, these Objections are not supported by the KCSD
8 grievance procedure for the reasons stated by the Magistrate Judge and argue matters not
9 before the Magistrate Judge. Defendants Objections do not raise an issue of law or fact
10 under the Findings and Recommendations.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The Court adopts the Findings and Recommendations filed on January 23,
13 2014 (ECF No. 71), in full, and
- 14 2. Defendants' Motion to Dismiss filed May 29, 2013 (ECF No. 64) is DENIED.
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17 IT IS SO ORDERED.

18 Dated: February 19, 2014

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