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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JASON LATRELL THOMAS,

Plaintiff,

v.

M. WILBER, et al.,

Defendants.

CASE NO. 1:10-cv-00006-AWI-SKO PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
DEFENDANTS’ MOTION TO DISMISS FOR  
FAILURE TO EXHAUST, AND REFERRING  
MATTER BACK TO MAGISTRATE JUDGE  
TO ISSUE AN AMENDED SCHEDULING  
ORDER

(Docs. 31 and 45)

\_\_\_\_\_  
Plaintiff Jason Latrell Thomas, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 4, 2010. 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 June 20, 2012, the Magistrate Judge issued a findings and recommendations recommending that Defendants’ motion to dismiss for failure to exhaust be denied. 42 U.S.C. § 1997e(a); Fed. R. Civ. P. 12(b). The fifteen-day objection period has expired and no objections were filed.

Pursuant to 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. Accordingly, it is HEREBY ORDERED that:

1. The Court adopts the findings and recommendations filed on June 20, 2012, in full;
2. Defendants’ motion to dismiss for failure to exhaust, filed on October 11, 2011, is DENIED; and

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3. This matter is referred back to the Magistrate Judge to issue an amended scheduling order.

IT IS SO ORDERED.

Dated: August 3, 2012

  
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CHIEF UNITED STATES DISTRICT JUDGE