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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL CRUDUP,

Plaintiff,

v.

J. WARD, et al.,

Defendants.

CASE NO. 1:10-CV-00934-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(DOC. 26)

_____ /

Plaintiff Michael Crudup (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defenadnts J. Ward and M. Jericoff for retaliation in violation of the First Amendment and violation of the Eighth Amendment. On July 19, 2011, Defendants filed a [motion to dismiss](#) certain claims for failure to exhaust administrative remedies. Doc. 18. 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 November 16, 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 twenty-one days. Doc. 26. No parties 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 November 16, 2011, is adopted in full;
- 3 2. Defendants' motion to dismiss, filed July 19, 2011, is granted;
- 4 3. Plaintiff's retaliation claim against Defendants Jericoff and Ward is dismissed
- 5 without prejudice for failure to exhaust administrative remedies pursuant to 42
- 6 U.S.C. § 1997e(a); and
- 7 4. Defendant Ward is dismissed from this action.

8 IT IS SO ORDERED.

9 Dated: December 23, 2011


10 CHIEF UNITED STATES DISTRICT JUDGE