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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEROME WHITE,

Plaintiff,

vs.

PATEL, et al.,

Defendants.

1:11-cv-00047-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 34.)

ORDER DENYING DEFENDANTS CHEN
AND PATEL’S MOTION TO DISMISS
(Doc. 26.)

ORDER REFERRING CASE BACK TO
MAGISTRATE JUDGE FOR FURTHER
PROCEEDINGS

Jerome White (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action 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.

On December 13, 2013, [findings and recommendations](#) were entered, recommending that Defendants Chen and Patel’s (“Defendants”) motion to dismiss be denied. (Doc. 34.) On January 13, 2013, Defendants filed [objections](#) to the findings and recommendations. (Doc. 35.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Defendants’ objections, the Court finds the findings and recommendations to be supported by the record and proper analysis. The primary issue before the Court is whether a

1 claim is deemed exhausted if prison officials consider a late grievance. Based on the reasoning
2 explained in the Magistrate Judge's cited cases, the Court finds exhaustion completed in this
3 action.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The Findings and Recommendations issued by the Magistrate Judge on
6 December 13, 2013, are ADOPTED IN FULL; and
- 7 2. Defendants Chen and Patel's motion to dismiss, filed on August 22, 2013, is
8 DENIED; and
- 9 3. This case is referred back to the Magistrate Judge for further proceedings.

10 IT IS SO ORDERED.

11 Dated: March 18, 2014

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14 SENIOR DISTRICT JUDGE