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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH SCHULTZ,

Plaintiff,

v.

STATE OF CALIFORNIA DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

Case No. 1:11-cv-00988-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
DEFENDANT DEFENDANT’S MOTION TO
DISMISS CERTAIN CLAIMS FOR
FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES**

(ECF No. 38)

CASE TO REMAIN OPEN

Plaintiff Kenneth Schultz, a state prisoner incarcerated at Corcoran State Prison (CSP), is proceeding pro se and in forma pauperis 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 of the United States District Court for the Eastern District of California.

On October 30, 2013, the Magistrate Judge issued findings and recommendations (ECF No. 38) that Defendant Kim’s September 30, 2013 motion to dismiss as unexhausted the medical indifference claim as to events subsequent to July 22, 2009 (ECF No. 30) be denied. Any objection to the findings and recommendations was due by due by November 18, 2013. (Id.) The November 18, 2013 deadline passed without any party filing objections

1 or seeking further extension of time to do so.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has
3 conducted a de novo review of this case. Having carefully reviewed the entire file, the Court
4 finds the findings and recommendations to be supported by the record and by proper
5 analysis.

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The Court adopts the findings and recommendations filed on October 30,
8 2013 (ECF No. 38) in full,
- 9 2. Defendant Kim's September 30, 2013 motion to dismiss as unexhausted the
10 medical indifference claim as to events subsequent to July 22, 2009 (ECF No.
11 30) is DENIED, and
- 12 3. This case shall remain open.

13
14 IT IS SO ORDERED.

15 Dated: November 20, 2013

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