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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HOMER TYRONE LEWIS,)	1:12-cv-00856-LJO-BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
v.)	DEFENDANTS’ MOTION FOR SUMMARY
)	JUDGMENT FOR FAILURE TO EXHAUST
KATHLEEN ALISON, et al.,)	ADMINISTRATIVE REMEDIES
)	(ECF Nos. 58, 84)
Defendants.)	
)	
)	

Plaintiff Homer Tyrone Lewis (“Plaintiff”) is a state prisoner proceeding in forma pauperis in this civil rights action pursuant to [42 U.S.C. § 1983](#).

On December 9, 2014, the Magistrate Judge issued Findings and Recommendations that Defendants’ motion for summary judgment for failure to exhaust administrative remedies be granted; Plaintiff’s retaliation claim against Defendants Adams, Allison (erroneously sued as Alison) and Junious be dismissed without prejudice based on a failure to exhaust administrative remedies; Defendants Adams, Allison and Junious be dismissed from this action without prejudice; and this action proceed on Plaintiff’s claim against Defendant Denny for retaliation in violation of the First Amendment. The Findings and Recommendations were served on the parties and contained notice that any objections must be filed within thirty days after service. More than thirty days have passed and no objections have been filed.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, issued on December 9, 2014, are adopted in
6 full;
- 7 2. Defendants' motion for summary judgment for failure to exhaust administrative
8 remedies, filed on August 15, 2014, is GRANTED;
- 9 3. Plaintiff's retaliation claim against Defendants Adams, Allison and Junious is
10 DISMISSED without prejudice based on a failure to exhaust administrative
11 remedies;
- 12 4. Defendants Adams, Allison and Junious are DISMISSED from this action without
13 prejudice;
- 14 5. This action shall proceed on Plaintiff's claim against Defendant Denny for
15 retaliation in violation of the First Amendment; and
- 16 6. This matter is referred back to the Magistrate Judge for further proceedings
17 consistent with this order.

18 IT IS SO ORDERED.

19 Dated: January 20, 2015

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

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