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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRELL WAYNE KING,

Plaintiff,

vs.

J. D. CHOKATOS, et al.,

Defendants.

1:12-cv-01936-LJO-EPG-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 65.)

ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
FOR FAILURE TO EXHAUST
(ECF No. 46.)

ORDER DISMISSING DEFENDANT
STRINGER FROM THIS CASE, WITHOUT
PREJUDICE

ORDER DISMISSING CLAIMS AGAINST
DEFENDANT CHOKATOS ARISING
FROM ALLEGATIONS PRIOR TO
OCTOBER 11, 2011, WITHOUT
PREJUDICE

ORDER FOR THIS ACTION TO PROCEED
AGAINST DEFENDANT CHOKATOS ON
PLAINTIFF'S MEDICAL CLAIMS
ARISING FROM ALLEGATIONS
BEGINNING ON OCTOBER 11, 2011

Darrell Wayne King ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action filed 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.

1 On June 21, 2016, findings and recommendations were entered, recommending that
2 Defendants' motion for summary judgment for failure to exhaust be granted. (ECF No. 65.)
3 On July 29, 2016, Plaintiff filed objections to the findings and recommendations. (ECF No.
4 70.) On August 1, 2016, Defendant Chokatos filed a reply to the objections. (ECF No. 71.)

5 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
6 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
7 including Plaintiff's objections and Defendant Chokatos' reply, the Court finds the findings and
8 recommendations to be supported by the record and proper analysis.

9 Accordingly, THE COURT HEREBY ORDERS that:

- 10 1. The Findings and Recommendations issued by the Magistrate Judge on June 21,
11 2016, are ADOPTED IN FULL;
- 12 2. Defendants' motion for summary judgment for failure to exhaust, filed on
13 January 28, 2016, is GRANTED;
- 14 3. Defendant Stringer is DISMISSED from this action, without prejudice;
- 15 4. Plaintiff's claims against Defendant Chokatos arising from allegations prior to
16 October 11, 2011, are DISMISSED from this action, without prejudice;
- 17 5. This action now proceeds against Defendant Chokatos on Plaintiff's medical
18 claims arising from allegations beginning on October 11, 2011; and
- 19 6. This case is referred back to the Magistrate Judge for further proceedings.

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21 IT IS SO ORDERED.

22 Dated: August 4, 2016

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