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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JOAQUIN GUERRA,	)	Case No.: 1:13-cv-01077-AWI-BAM (PC)
Plaintiff,	)	
v.	)	ORDER ADOPTING FINDINGS AND
KERN COUNTY SHERIFF'S DEPARTMENT, et al.,	)	RECOMMENDATION REGARDING
Defendants.	)	DEFENDANTS' MOTION FOR SUMMARY
	)	JUDGMENT
	)	(ECF No. 54)
	)	
	)	ORDER DENYING DEFENDANTS' MOTION
	)	FOR SUMMARY JUDGMENT FOR FAILURE TO
	)	EXHAUST ADMINISTRATIVE REMEDIES AND
	)	REQUEST TO DISMISS MATTER WITH
	)	PREJUDICE FOR FAILURE TO PROSECUTE
	)	
	)	(ECF Nos. 37, 41)
	)	

Plaintiff Joaquin Guerra ("Plaintiff") is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. §1983. This action proceeds on Plaintiff's first amended complaint against Defendants Sweeney and Feely for deliberate indifference to serious medical needs in violation of the Fourteenth Amendment. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 22, 2015, Defendants filed a motion for summary judgment pursuant to Federal Rule of Civil Procedure 56, arguing that the matter should be dismissed because Plaintiff failed to exhaust

1 his administrative remedies. (ECF No. 37.) On August 13, 2015, Defendants also requested that this  
2 case be dismissed with prejudice, based on Plaintiff's alleged failure to prosecute this action by failing  
3 to appropriately respond to the motion for summary judgment. (ECF No. 41.)

4 On March 8, 2016, the Magistrate Judge issued findings and recommendations recommending  
5 that Defendants' motion for summary judgment, and request to dismiss the case with prejudice for  
6 failure to prosecute, both be denied. (ECF No. 54.) The findings and recommendations notified the  
7 parties that any objections were due within fourteen (14) days after service of that order. (Id. at 9.)  
8 More than fourteen (14) days have passed, and no objections have been filed.

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

12 Accordingly, it is HEREBY ORDERED that:

- 13 1. The Court adopts the findings and recommendation (ECF No. 54), filed March 8, 2016,  
14 in full;
- 15 2. Defendants motion for summary judgment for failure to exhaust administrative  
16 remedies, (ECF No. 37), and request to dismiss the matter with prejudice for failure to  
17 prosecute, (ECF No. 41), are DENIED; and
- 18 3. This matter is referred to the magistrate judge to whom it is assigned for further  
19 proceedings.

20 IT IS SO ORDERED.

21 Dated: March 25, 2016

22   
23 SENIOR DISTRICT JUDGE