

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

CURTIS BOYD,	)	Case No.1:13-01966-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER ADOPTING FINDINGS AND
v.	)	RECOMMENDATION, DENYING
	)	DEFENDANT’S MOTION FOR SUMMARY
C. ETCHEBEHERE,	)	JUDGMENT FOR FAILURE TO EXHAUST THE
	)	ADMINISTRATIVE REMEDIES
Defendant.	)	
	)	[ECF Nos. 20, 31, 33]
	)	

Plaintiff Curtis Boyd is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On April 1, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that objections to the Findings and Recommendations were to be filed within thirty days. Defendant filed objections on April 23, 2015.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Given the circumstances of this case (as explained in the Findings and Recommendation), the Court finds that Plaintiff has exhausted the administrative remedies with respect to his First Amendment claim against C. Etchebehere. Thus, having carefully reviewed the entire file, including Defendant’s objections, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation, filed on April 1, 2015, is adopted in full; and
2. Defendant's motion for summary judgment for failure to exhaust the administrative remedies is DENIED.

IT IS SO ORDERED.

Dated: September 1, 2015

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