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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BROWN,

 Plaintiff,

 v.

W. RASLEY,

 Defendant.

Case No. 1:13-cv-02084-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND GRANTING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT

ORDER DIRECTING CLERK OF COURT TO
ENTER JUDGMENT AND CLOSE CASE

(Doc Nos. 61, 85)

Plaintiff William Brown is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(1)(B) and Local Rule 302.

On December 28, 2017, Defendant Rasley filed a motion for summary judgement for the failure to exhaust available administrative remedies. (Doc. No. 61.) On August 23, 2018, the assigned magistrate judge issued findings and recommendations recommending that Defendant’s motion be granted, and that this action be dismissed, without prejudice. (Doc. No. 85.) The parties were served with the findings and recommendations, and were permitted fourteen days to file any objections. (*Id.* at 10.)

On September 10, 2018, Plaintiff filed a motion for an extension of time to file objections. (Doc. No. 86.) On September 12, 2018, the Court granted Plaintiff a thirty-day extension of time. (Doc. No. 87.)

1 On October 22, 2018, Plaintiff filed a motion for an order compelling discovery. (Doc.
2 No. 88.) On October 24, 2018, the assigned magistrate judge denied Plaintiff's motion to compel.
3 (Doc. No. 89.) Finding that Plaintiff may have filed the motion to compel in lieu of filing
4 objections to the pending findings and recommendations, the assigned magistrate judge granted
5 Plaintiff an additional fourteen days to file any objections. (*Id.* at 3.) That extended deadline has
6 passed, and no objections were filed.¹

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

10 Accordingly, the Court HEREBY ORDERS that:

- 11 1. The findings and recommendations issued on August 23, 2018 (Doc. No. 85) are
12 adopted in full;
- 13 2. Defendant's motion for summary judgment for the failure to exhaust available
14 administrative remedies, filed on December 28, 2017 (Doc. No. 61), is granted;
- 15 3. This action is dismissed, without prejudice, for Plaintiff's failure to exhaust
16 available administrative remedies; and
- 17 3 The Clerk of Court is directed to terminate any pending matters and deadlines as
18 moot, and close this case.

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20 IT IS SO ORDERED.

21 Dated: November 26, 2018


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28 SENIOR DISTRICT JUDGE

¹ On October 25, 2018, Plaintiff filed a notice indicating that the law library copier machine had
been down since September 26, 2018 through October 2, 2018. (Doc. No. 90.) That same day,
Plaintiff filed a 130-page motion for a preliminary injunction and temporary restraining order.
(Doc. No. 91.) Therefore, the Court finds that the lack of the copier machine did not prevent
Plaintiff from filing an objection to the findings and recommendations, particularly as he was
granted an additional extension of the deadline to do so at the time that he filed his notice.