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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
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8 JOHNNY G. BRIONES,

9 Plaintiff,

10 v.

11 PLEASANT VALLEY STATE PRISON, et
12 al.,

13 Defendants.
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1:14-cv-00750-LJO-EPG (PC)

ORDER DISMISSING CASE WITHOUT
PREJUDICE
(ECF NO. 45)

15 Johnny Briones (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights
16 action pursuant to 42 U.S.C. § 1983. On February 13, 2015, Plaintiff filed the Second
17 Amended Complaint (ECF No. 31). On May 9, 2016, Magistrate Judge Erica P. Grosjean
18 issued Findings and Recommendations, finding some cognizable claims against some of the
19 defendants (ECF No. 40). On June 8, 2016, District Judge Lawrence J. O’Niell entered an
20 order adopting the Findings and Recommendations in full (ECF No. 42), and the United States
21 Marshal Service was directed to serve the Second Amended Complaint on the remaining
22 defendants (ECF No. 43).

23 On August 19, 2016, defendants C. Cole, C. Hendricks, and R. Hand (“Defendants”)
24 filed a motion to dismiss the Second Amended Complaint on the ground that Plaintiff failed to
25 exhaust his administrative remedies prior to filing suit. ECF No. 45. On September 6, 2016,
26 Plaintiff filed a statement of non-opposition to the motion to dismiss, asking the Court to
27 dismiss the Second Amended Complaint without prejudice until such time as Plaintiff can show
28 that he satisfied the exhaustion requirement. (ECF No. 48).

