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

JUAN JAIMES,	)	Case No.: 1:14-cv-00952-LJO-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER ADOPTING FINDINGS AND
v.	)	RECOMMENDATIONS, GRANTING IN PART
	)	AND DENYING IN PART DEFENDANTS’
DR. ROBERT J. BARNES, et al.,	)	MOTIONS FOR SUMMARY JUDGMENT FOR
	)	LACK OF EXHAUSTION OF THE
Defendants.	)	ADMINISTRATIVE REMEDIES
	)	
	)	[ECF Nos. 35, 36, 58]

Plaintiff Juan Jaimes is appearing pro se and in forma pauperis in this civil rights action 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. On June 23, 2016, the Magistrate Judge filed a Findings and Recommendations which were 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. The thirty day time frame has expired and no objections were filed.

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. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on June 23, 2016, are adopted in full;
2. Defendants' motions for summary judgment are GRANTED in part and DENIED in part;
3. Plaintiff's claim against Defendants Neighbors and Finegan for forcing Plaintiff to walk from his cell using the stairs to show and receive food for eleven days (from April 6, 2012 to April 17, 2012) is not exhausted and should be dismissed;
4. Plaintiff's claim against Defendant Kauffman for deliberate indifference by requiring Plaintiff to walk to the stairs and shower and failure to provide assistance is not exhausted and should be dismissed; and
5. This action shall proceed on Plaintiff's claim against Defendants Dr. Barnes for deliberate indifference to a serious medical need and Plaintiff's claim against Defendant Neighbors for deliberate indifference to a serious medical need by ordering Plaintiff to get up and walk to the clinic after he serious injured his back.

IT IS SO ORDERED.

Dated: August 2, 2016

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