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

PERRY C. BLAIR,) Case No.: 1:14-cv-01156-LJO-SAB (PC)
)
 Plaintiff,)
)
 v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, AND DISMISSING
) CERTAIN CLAIMS, WITHOUT PREJUDICE, FOR
 CDCR, et al.,) FAILURE TO EXHAUST THE
) ADMINISTRATIVE REMEDIES
 Defendants.)
) [ECF No. 123]
)

Plaintiff Perry C. Blair 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 May 17, 2019, the Magistrate Judge issued a Findings and Recommendation following an evidentiary hearing on the issue of exhaustion of the administrative remedies. The Findings and Recommendation was served on the parties and contained notice that objections were to be filed within twenty-one (21) days. Although Plaintiff was granted an extension of time, no objections were filed and the time to do so has expired.

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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Based on the foregoing, it is HEREBY ORDERED that:

1. The Findings and Recommendations filed on May 17, 2019, are adopted in full;
2. Plaintiff's Eighth Amendment claim against Defendant Alva and his due process claim against Defendant Ybarra in relation to RVR ASE-13-09-002, are dismissed, without prejudice, for failure to exhaust the administrative remedies; and
3. Defendants may file a dispositive motion within thirty days from the date of service of this order.

IT IS SO ORDERED.

Dated: July 15, 2019

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