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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JAMES GAINES, JR.,

Plaintiff,

v.

BEASLEY, et al.,

Defendants.

No. 1:15-cv-1533 LJO JLT P

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO GRANT
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT FOR FAILURE
TO EXHAUST ADMINISTRATIVE
REMEDIES**

(ECF Nos. 41, 47)

CASE TO REMAIN OPEN

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 October 22, 2018, the magistrate judge filed findings and recommendations to grant the defendants' motion for summary judgment on the ground that plaintiff did not exhaust his administrative remedies as to defendants Beasley, Rening, Lopez, and Ward. Plaintiff has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 22, 2018 (ECF No. 47), are adopted

1 in full;

2 2. The defendants' September 4, 2018, motion for summary judgment (ECF No. 41) is

3 GRANTED;

4 3. All claims against defendants Beasley, Rening, Lopez, and Ward are hereby

5 DISMISSED for failure to exhaust administrative remedies; and

6 4. This action shall proceed only as to defendant Curtiss on a First Amendment retaliation

7 claim. Case to remain open

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9 IT IS SO ORDERED.

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11 Dated: November 26, 2018

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

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