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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODERICK WILLIAM LEAR,

Plaintiff,

v.

JOHNATHAN AKANNO and JENNIFER
PALOMINO,

Defendants.

No. 1:15-cv-01903-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 51, 64, 69, 74, 76)

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

On August 30, 2018, the assigned magistrate judge issued findings and recommendations recommending that the court deny the following: plaintiff’s motion for a temporary restraining order, defendants’ motion for summary judgment for failure to exhaust, plaintiff’s motion for immediate resolution of all claims, and plaintiff’s motion for a hearing pursuant to *Albino v. Baca*, 747 F.3d 1162 (9th Cir. 2014), and other miscellaneous relief. (Doc. No. 76.) The findings and recommendations provided fourteen days for the parties to file objections. (*Id.*) On September 10, 2018, plaintiff filed a response stating that he has no objections to the findings and recommendations. (Doc. No. 77.) Defendants did not file objections, and the time for doing so

1 has expired.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings
4 and recommendations to be supported by the record and by proper analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on August 30, 2018 (Doc. No. 76) are
7 adopted in full;
- 8 2. Defendants' motion for summary judgment due to plaintiff's claimed failure to
9 exhaust administrative remedies prior to filing suit (Doc. No. 51) is denied;
- 10 3. Plaintiff's motion for a temporary restraining order (Doc. No. 64 at 2) is denied;
- 11 4. Plaintiff's motion for an immediate resolution of all claims and for other relief
12 (Doc. No. 69) is denied;
- 13 5. Plaintiff's motion for an *Albino* hearing and for other relief (Doc. No. 74) is
14 denied; and
- 15 6. This matter is referred back to the assigned magistrate judge for further
16 proceedings consistent with this order.

17 IT IS SO ORDERED.

18 Dated: September 24, 2018

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20 UNITED STATES DISTRICT JUDGE

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