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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE GALICIA,
Plaintiff,
v.
T. MARSH et al.,
Defendants.

No. 1:16-cv-00011-DAD-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART AND DENYING IN PART
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 40, 61)

Plaintiff Jose Galicia 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 8, 2017, the assigned magistrate judge issued findings and recommendations recommending that the motion for summary judgment brought on behalf of defendants M. Jennings and A. Guzman based upon plaintiff's failure to exhaust his administrative remedies prior to filing suit be granted as to defendant Guzman and denied as to defendant Jennings. (Doc. No. 61.) Those findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within thirty days. (*Id.*) The time to file objections has passed, and no objections have been filed.

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

4 Accordingly,

- 5 1. The June 8, 2017 findings and recommendations (Doc. No. 61) are adopted in full;
- 6 2. Defendants' motion for summary judgment is granted in part and denied in part;
- 7 3. Plaintiff's claim against defendant Guzman is dismissed, without prejudice, due to
8 plaintiff's failure to exhaust his administrative remedies with respect to that claim
9 prior to filing suit as required; and
- 10 4. This matter is referred back to the magistrate judge for further proceedings consistent
11 with this order.

12 IT IS SO ORDERED.

13 Dated: August 17, 2017

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16 UNITED STATES DISTRICT JUDGE
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