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8	UNITED STATES DISTRICT COURT			
9	FOR THE EASTERN DISTRICT OF CALIFORNIA			
10		No. 1.16 or 01680 NONE II T (DC)		
11	MARY LEE GAINES,	No. 1:16-cv-01689-NONE-JLT (PC)		
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING		
13	V.	MOTION FOR SUMMARY JUDGMENT		
14 15	OFFICER BEAVER,	(Doc. Nos. 55, 69)		
15 16	Defendant.			
10	Plaintiff Mary I as Gaines is a state prisoner proceeding are so and in forma naunaris in			
17	Plaintiff Mary Lee Gaines is a state prisoner proceeding <i>pro se</i> and <i>in forma pauperis</i> in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States			
10	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.			
20	On February 7, 2020, Defendant Correctional Officer Beaver moved for summary			
20	judgment on the grounds that plaintiff had failed to exhaust administrative remedies prior to filing			
22	suit as is required. (Doc. No. 55.) Plaintiff failed to file an opposition to that motion. (<i>See</i> Doc.			
23	No. 68.)			
24	On August 6, 2020, the assigned magistrate judge issued findings and recommendations,			
25	addressing defendant's motion on the merits and recommending that defendant's motion for			
26	summary judgment be granted. (Doc. No. 69.) The magistrate judge found that plaintiff had			
27	failed to properly exhaust his administrative remedies with respect to the claims presented by			
28	plaintiff in this action. (<i>Id.</i> at 5-6.) The findings and recommendations were served on plaintiff			

1	and provided that objections thereto may be filed within 21 days. (Id. at 6.) Plaintiff has not filed			
2	any objections and the time to do so has passed.			
3	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a			
4	<i>de novo</i> review of this case. Having carefully reviewed the entire file, the court finds the findings			
5	and recommendations to be supported by the record and proper analysis.			
6	Accordingly,			
7	1.	. The findings and recommendations issued on August 6, 2020 (Doc. No. 69) are		
8		adopted in full;		
9	2.	Defendant's motion for summa	ry judgment (Doc. No. 55) is granted and this	
10		action is dismissed without prej	udice due to plaintiff's failure to exhaust his	
11		administrative remedies prior to	filing suit as is required; and,	
12	3.	The Clerk of the Court is direct	ed to assign a district judge to this action for	
13	purposes of closure and to close this case.			
14	IT IS SO ORDERED.			
15	Dated: September 21, 2020	Dale A. Drogd		
16		UNITED STATES DISTRICT JUDGE		
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