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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **RICKY RIVERA,**

8 **Plaintiff,**

9 **v.**

10 **DAVEY, et al.,**

11 **Defendants.**

CASE NO. 1:16-cv-01817-AWI-BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES**

(Doc. No. 58)

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14 Plaintiff Ricky Rivera is a state prisoner proceeding pro se and in forma pauperis in this
15 civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States
16 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local
17 Rule 302.

18 On February 26, 2021, the assigned magistrate judge issued findings and
19 recommendations, recommending that Defendants' motion to dismiss for failure to exhaust be
20 granted. Doc. No. 58. The findings and recommendations were served on the parties, and
21 contained notice that any objections were to be filed within fourteen days. *Id.* at 13. Following an
22 extension of time, Plaintiff timely filed objections on April 9, 2021. Doc. No. 61. Defendants did
23 not file objections, and the time in which to do so has expired.

24 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of
25 this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court
26 concludes that the findings and recommendations are supported by the record and proper analysis.

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ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (Doc. No. 58) issued on February 26, 2021, are ADOPTED in full;
2. Defendants' motion to dismiss (Doc. No. 52), is GRANTED;
3. This action is DISMISSED, without prejudice, for the failure to exhaust available administrative remedies; and
4. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: April 14, 2021



SENIOR DISTRICT JUDGE