



1 35.) On September 5, 2018, the assigned magistrate granted plaintiff's request in part, and  
2 permitted plaintiff until September 18, 2018 to file objections. (Doc. No. 36.) To date, no  
3 objections to the findings and recommendations have been filed, and the time in which to do so  
4 has now passed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
6 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
7 court finds the findings and recommendations to be supported by the record and by proper  
8 analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued August 16, 2018 (Doc. No. 34) are adopted  
11 in full;
- 12 2. Defendants' motion for summary judgment (Doc. No. 23) is granted in part and denied  
13 in part without prejudice;
- 14 3. This action now proceeds on plaintiff's due process claim against defendant Lunes;
- 15 4. If defendants intend to file a second motion for summary judgment on the issue of  
16 exhaustion, they are directed to request an evidentiary hearing on that issue within  
17 twenty-one days after service of this order; and
- 18 5. This case is referred back to the assigned magistrate judge for further proceedings.

19 IT IS SO ORDERED.

20 Dated: September 24, 2018

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23 UNITED STATES DISTRICT JUDGE  
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