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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EFREN DANIELLE BULLARD,

Plaintiff,

v.

R. ST. ANDRA, et al.,

Defendant.

Case No. 1: 17-cv-0328 LJO JDP

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

(Doc. No. 43)

Plaintiff Efren Danielle Bullard is a state prisoner proceeding *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 February 16, 2018, Defendants moved for summary judgment under Federal Rule of Civil Procedure 56, arguing that Plaintiff failed to exhaust available administrative remedies. (Doc. No. 23.) Plaintiff filed an opposition on April 9, 2018 (Doc. No. 33), and Defendants filed a reply on April 17, 2018 (Doc No. 35.) On August 17, 2018, the assigned Magistrate Judge recommended that Defendants' motion be denied, in its entirety. The Magistrate Judge further recommended that the protective order staying all discovery (Doc. No. 29) be vacated and that Defendants' motion (Doc. No. 41) to vacate the present discovery and scheduling order (Doc. No. 22) be granted. The findings and recommendations was served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. Defendants timely

1 filed objections on August 28, 2018. (Doc. No. 45.)

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
3 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
4 findings and recommendations to be supported by the record and by proper analysis. The
5 objections do not provide a basis upon which to reject the findings and recommendations.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations issued on August 17, 2018, are adopted in full;
- 8 2. Defendants' motion to dismiss, filed on February 16, 2018, is denied;
- 9 3. Defendants shall file an answer within fourteen (14) days of this order pursuant to
10 Fed. R. Civ. P. 12(a)(4)(A);
- 11 4. Plaintiff's request (Doc. No. 33) to vacate the protective order staying discovery
12 (Doc. No. 29) is granted; and
- 13 5. Defendants' motion (Doc. No. 41) to vacate the present discovery and scheduling
14 order (Doc. No. 22) is granted.

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16 IT IS SO ORDERED.

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18 Dated: August 29, 2018

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE

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