

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUINCY MOSLEY,
Plaintiff,
v.
S. STEWART, et al.,
Defendants.

No. 1:17-cv-00852-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT DUE TO PLAINTIFF'S
FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES

(Doc. Nos. 47, 49)

Plaintiff Quincy Mosley is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 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 August 13, 2021, the assigned magistrate judge issued findings and recommendations recommending that defendants' motion for summary judgment (Doc. No. 47) be granted due to plaintiff's failure to exhaust his administrative remedies prior to filing suit as is required. (Doc. No. 49.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 6.) No objections have been filed and the time in which to do so has now passed.

////

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

4 Accordingly,

- 5 1. The findings and recommendations issued on August 13, 2021 (Doc. No. 49) are
6 adopted in full;
- 7 2. Defendants' motion for summary judgment based upon plaintiff's failure to
8 exhaust his administrative remedies, with respect to the claims presented in this
9 action, prior to filing suit as required (Doc. No. 47) is granted;
- 10 3. This case is dismissed without prejudice; and
- 11 4. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: October 11, 2021

14 
15 _____
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28