



1 on those allegations. (Doc. No. 121 at 9.) Therefore, the magistrate judge recommended to  
2 dismiss plaintiff's Eighth Amendment claim against defendant Conan. (Id. at 12.) On  
3 September 2, 2020, plaintiff objected to the findings and recommendations. (Doc. No. 126.)  
4 Defendant responded thereto on September 21, 2020. (Doc. No. 129.)


5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the  
6 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
7 court finds that the pending findings and recommendations are supported by the record and  
8 proper analysis, and that plaintiff's objections fail to meaningfully address or contradict the  
9 analysis set forth in the findings and recommendations.

10 Accordingly:

- 11 1. The findings and recommendations issued on August 3, 2020 (Doc. No. 121) are  
12 ADOPTED in full;
- 13 2. Defendant Conan's motion for summary judgment filed on March 2, 2020 (Doc. No.  
14 107) is GRANTED; and
- 15 3. Plaintiff's claims against defendant Conan for allegedly falsifying medical records,  
16 failing to provide plaintiff with a lay in, and failing to urgently refer plaintiff to a  
17 pulmonologist are DISMISSED without prejudice due to plaintiff's failure to exhaust his  
18 administrative remedies with respect to those claims prior to filing suit as required.

19 IT IS SO ORDERED.

20 Dated: November 6, 2020

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23 UNITED STATES DISTRICT JUDGE  
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