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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SAM DRAKE,	)	Case No.: 1:17-cv-01500-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	
v.	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS, GRANTING
	)	DEFENDANTS' MOTION FOR JUDGMENT ON
SCOTT KERNAN, et al.,	)	THE PLEADINGS, AND DISMISSING
	)	CONSPIRACY CLAIM, WITHOUT PREJUDICE
Defendants.	)	
	)	
	)	[ECF Nos. 53, 58]
	)	

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Plaintiff Sam Drake is appearing 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 June 21, 2019, the Magistrate Judge issued Findings and Recommendations recommending that Defendants' motion for judgment on the pleadings be granted, and the conspiracy claims against Defendants Allison and Moak be dismissed, without prejudice, for failure to exhaust the administrative remedies. (ECF No. 58.) The Findings and Recommendation was served on the parties and contained notice that objections were to be filed within twenty-one (21) days. Plaintiff filed objections on July 8, 2019.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court  
2 has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including  
3 Plaintiff's objections, the Court finds the Findings and Recommendation to be supported by the record  
4 and proper analysis.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued on June 21, 2019, are adopted in full;
- 7 2. Defendants' motion for judgment on the pleadings is granted; and
- 8 3. The conspiracy claims against Defendants Allison and Moak are dismissed, without  
9 prejudice, for failure to exhaust the administrative remedies.

10  
11 IT IS SO ORDERED.

12 Dated: August 23, 2019

  
13 SENIOR DISTRICT JUDGE