

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
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL BENANTI,) Case No. 1:17-cv-01556-LJO-SAB (PC)
)
 Plaintiff,)
)
 v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, DENYING
) DEFENDANTS' EXHAUSTION-RELATED
 MATEVOUSIAN,) MOTION FOR SUMMARY JUDGMENT, AND
) REFERRING MATTER BACK TO MAGISTRATE
 Defendants.) JUDGE FOR FURTHER PROCEEDINGS
)
) [ECF Nos. 23, 31]
)
)

Plaintiff Michael Benanti is appearing pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). This 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 23, 2018, the Magistrate Judge issued Findings and Recommendations recommending that Defendants' motion for summary judgment on the ground that Plaintiff failed to exhaust the administrative remedies be denied. (ECF No. 31.) The Findings and Recommendations were served on the parties and contained notice that objections were to be filed within thirty days.

On September 20, 2018, Plaintiff filed objections indicating that he wished to reserve his right to appeal should the Findings and Recommendations not be adopted in full. (ECF No. 33.)

///
///

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

4 Accordingly, it is HEREBY ORDERED THAT:

- 5 1. The Findings and Recommendations filed August 23, 2018 (ECF No. 31) are adopted
6 in full;
- 7 2. Defendants' exhaustion-related motion for summary judgment is denied; and
- 8 3. The matter is referred back to the Magistrate Judge for further proceedings.

9
10 IT IS SO ORDERED.

11 Dated: September 28, 2018

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