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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOSE LORENZO MORALES,	Case No. 1:17-cv-01673-AWI-JLT (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING
13	v.	DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
14	R. TORRES, et al.,	(Docs. 54, 67)
15	Defendants.	
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17	Plaintiff Jose Lorenzo Morales is a state prisoner proceeding in forma pauperis in this	
18	civil rights action under 42 U.S.C. §1983. This matter was referred to a United States magistrate	
19	judge pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 302.	
20	On July 3, 2019, the defendants filed a motion for summary judgment on the grounds that	
21	Plaintiff failed to exhaust administrative remedies prior to filing suit. (Doc. 54.) Plaintiff filed an	
22	opposition on November 19, 2019 (Doc. 65), to which Defendants filed a reply (Doc. 66).	
23	On December 27, 2019, the assigned magistrate judge issued findings and	
24	recommendations to grant Defendants' motion for summary judgment. (Doc. 67.) The magistrate	
25	judge found that, although Plaintiff exhausted an administrative grievance in December 2016, that	
26	grievance failed to exhaust the claims in this action because it "neglected to name the defendants	
27	in [the] grievance and to provide sufficient information to allow CDCR to identify them." (Id. at	
28	5, 7, 8.) The magistrate judge further found that the exception to proper exhaustion outlined in	

1	Reyes v. Smith, 810 F.3d 654 (9th Cir. 2016), does not apply to this case. (Id. at 9-10.) Lastly, the	
2	magistrate judge found that Plaintiff failed to show that administrative remedies were effectively	
3	unavailable to him, and thus he was not excused from failing to exhaust. (Id. at 7, 10-11.)	
4	Plaintiff filed objections to the findings and recommendations on February 7, 2020. (Doc.	
5	72.) Defendants filed a reply to the objections on February 19, 2020. (Doc. 73.) In his objections,	
6	Plaintiff argues that Reyes v. Smith, supra, does apply to this case, and that Plaintiff exhausted all	
7	the remedies that were available to him. (Doc. 72 at 3-5.)	
8	In accordance with the provisions of 28 U.S.C. section 636(b)(1)(C), this Court has	
9	conducted a <i>de novo</i> review of this case. Having carefully reviewed the entire file, including	
10	Plaintiff's objections and Defendants' reply, the Court finds the findings and recommendations to	
11	be supported by the record and proper analysis. The Court agrees that Plaintiff failed to properly	
12	exhaust administrative remedies with respect to the claims in this action, and the exception to	
13	proper exhaustion provided in <i>Reyes</i> does not apply. The Court also agrees that Plaintiff does not	
14	meet his burden in showing that administrative remedies were unavailable.	
15	Accordingly, the Court ORDERS:	
16	1. The findings and recommendations issued on December 27, 2019 (Doc. 67) are	
17	ADOPTED in full;	
18	2. Defendants' motion for summary judgment (Doc. 54) is GRANTED;	
19	3. This action is DISMISSED without prejudice for failure to exhaust administrative	
20	remedies; and,	
21	4. The Clerk of the Court is DIRECTED to close this case.	
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23	IT IS SO ORDERED.	
24	Dated: <u>December 15, 2020</u> SENIOR DISTRICT JUDGE	
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