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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT O. SOLIS,
Plaintiff,
v.
R. GONZALES,
Defendant.

Case No.: 1:18-cv-00015-LJO-JLT (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT ON PLAINTIFF’S
RETALIATION CLAIM FOR FAILURE TO
EXHAUST**

(Docs. 28, 35)

Plaintiff Robert O. Solis is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (RLUIPA). 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 December 4, 2019, the assigned magistrate judge issued findings and recommendations to grant Defendant’s motion for summary judgment, (Doc. 28), on Plaintiff’s retaliation claim for failure to exhaust administrative remedies. (Doc. 35.) The magistrate judge further recommended that Plaintiff’s free exercise claims under the First Amendment and the RLUIPA be allowed to proceed. (*Id.*) Neither party has filed objections to the findings and recommendations; although, Plaintiff previously filed a statement of non-opposition to Defendant’s motion for summary judgment. (Doc. 34.)

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

Accordingly, the Court ORDERS:

1. The findings and recommendations issued on December 4, 2019, (Doc. 35), are ADOPTED in full;
2. Defendant’s motion for summary judgment on Plaintiff’s retaliation claim for failure to exhaust, (Doc. 28), is GRANTED, and
3. Plaintiff’s retaliation claim is DISMISSED without prejudice. Plaintiff’s free exercise claims under the First Amendment and the RLUIPA may proceed.

IT IS SO ORDERED.

Dated: January 4, 2020

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