

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

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

NICHOLAS ESTRADA,	)	Case No.: 1:18-cv-00599-AWI-SAB (PC)
	)	
Plaintiff,	)	
	)	ORDER ADOPTING FINDINGS AND
v.	)	RECOMMENDATIONS, AND GRANTING
	)	DEFENDANTS' MOTION FOR SUMMARY
CALIFORNIA CORRECTIONAL	)	JUDGMENT
INSTITUTION, et al.,	)	
	)	(ECF Nos. 40, 42)
Defendants.	)	
	)	
	)	

18 Plaintiff Nicholas Estrada is appearing *pro se* and *in forma pauperis* in this civil rights action  
19 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to  
20 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On July 30, 2021, the Magistrate Judge issued Findings and Recommendations recommending  
22 that Defendants' motion for summary judgment be granted and the action be dismissed, without  
23 prejudice, for failure to exhaust the administrative remedies. (ECF No. 42.) The Findings and  
24 Recommendations were served on the parties and contained notice that objections were due within  
25 thirty days. No objections have been filed and the time in which to do so has now passed.

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

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

Accordingly,

1. The Findings and Recommendations issued on July 30, 2021 (ECF No. 42) are adopted;
2. Defendants' motion for summary judgment filed on April 9, 2021 (ECF No. 40) is GRANTED; and
3. The instant action is dismissed, without prejudice, for failure to exhaust the administrative remedies.

IT IS SO ORDERED.

Dated: September 8, 2021

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE