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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT CISNEROS,
Plaintiff,
v.
MORENO,
Defendant.

Case No. 1:18-cv-00628-LJO-JDP
FINDINGS AND RECOMMENDATIONS
THAT CASE BE DISMISSED WITHOUT
PREJUDICE
ECF Nos. 19 and 32
OBJECTIONS DUE IN FOURTEEN DAYS

Plaintiff Robert Cisneros is a state prisoner proceeding without counsel in this civil rights action brought under 42 U.S.C. § 1983. On August 16, 2019, defendant Moreno moved for summary judgment based on a failure to exhaust. ECF No. 19. On November 7, 2019, plaintiff filed a request that the court dismiss his case, agreeing that he did not exhaust his administrative remedies. ECF No. 32. The parties appear to agree that the case should be dismissed without prejudice based on a failure to exhaust.

I recommend that the case be dismissed without prejudice. I submit this recommendation to the U.S. district judge presiding over the case under 28 U.S.C. § 636(b)(1)(B) and Local Rule 304. Within fourteen days of the service of the findings and recommendations, the parties may file written objections to the findings and recommendations with the court and serve a copy on all parties. The document containing the objections must be captioned “Objections to Magistrate

1 Judge's Findings and Recommendations." The presiding district judge will then review the
2 findings and recommendations under 28 U.S.C. § 636(b)(1)(C).

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4 IT IS SO ORDERED.

5 Dated: November 13, 2019


UNITED STATES MAGISTRATE JUDGE

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No. 205.