

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
FOR THE EASTERN DISTRICT OF CALIFORNIA

EVAN P. GALVAN,

Plaintiff,

v.

A. LUCAS, et al.,

Defendants.

No. 1:18-cv-00688-NONE-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
ACTION

(Doc. No. 36)

Plaintiff Evan P. Galvan is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff’s claims concern his attempt, on several occasions, to obtain copying services from prison officials so that he could attach transcripts of court proceedings as supporting documents to his various court filings. (*See generally* Doc. 34.) 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 March 2, 2020, the assigned magistrate judge issued an order granting plaintiff’s motion to amend the complaint in this action, and entered findings and recommendations recommending that the action be dismissed due to plaintiff’s failure to exhaust administrative remedies prior to filing suit and failure to state a cognizable claim for relief. (Doc. No. 36 at 14–15.) The findings and recommendations were served on plaintiff and contained notice that

////

1 objections were to be filed within thirty days. (*Id.*) No objections were filed and the time to do
2 so has expired.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo*
4 review of this case. Having carefully reviewed the entire file, the court finds the findings and
5 recommendations to be supported by the record and by proper analysis. The magistrate judge
6 correctly concluded that petitioner failed to exhaust his administrative remedies prior to filing
7 suit. However, this order should not be construed as a ruling addressing the merits of plaintiff's
8 underlying assertions regarding the provision of free copying services at his prison of
9 confinement.

10 Accordingly:

- 11 1. The March 2, 2020 findings and recommendations (Doc. No. 36) are adopted; and
- 12 2. The instant action is dismissed, without prejudice, due to plaintiff's failure to
13 exhaust administrative remedies prior to filing suit.

14 IT IS SO ORDERED.

15 Dated: July 24, 2020

16 
17 _____
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28