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, 8	UNITED STATES DISTRICT COURT	
8 9	EASTERN DISTRICT OF CALIFORNIA	
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10	PHILIP JAMES ROGERS,	No. 1:18-cv-0846 NONE JLT (PC)
12		ORDER ADOPTING FINDINGS AND
13	Plaintiff,	RECOMMENDATIONS TO GRANT DEFENDANT BETTENCOURT'S MOTION
14	v.	FOR SUMMARY JUDGMENT FOR
15	RODRIGUEZ, et al.,	<u>FAILURE TO EXHAUST</u> <u>ADMINISTRATIVE REMEDIES AND TO</u>
16	,, _,, _	DENY PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
17	Defendants.	
18		(Doc. Nos. 36, 39, 42)
19		CASE TO REMAIN OPEN
20		CASE TO REMAIN OFEN
21	Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief	
22	under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to	
23	28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
24	On February 8, 2021, the assigned magistrate judge filed findings and recommendations	
25	recommending that defendant Bettencourt's motion for summary judgment based upon plaintiff's	
26	failure to exhaust his administrative remedies prior to filing suit as is required be granted. (Doc.	
27	No. 42.) The findings and recommendations were served on the parties and contained notice to	
28	them that any objections to the findings and recommendations were to be filed within fourteen	
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1	days. (Id. at 9.) Neither party has filed objections to the findings and recommendations.	
2	The court has reviewed the file and finds the findings and recommendations to be supported	
3	by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED	
4	that:	
5	1. The findings and recommendations filed February 8, 2021 (Doc. No. 42), are adopted in	
6	full;	
7	2. Defendant Bettencourt's motion for summary judgment due to plaintiff's failure to	
8	exhaust administrative remedies prior to filing suit (Doc. No. 36) is GRANTED, and the Clerk of	
9	Court is directed to enter judgment for this defendant;	
10	3. Plaintiff's motion for summary judgment (Doc. No. 39) is DENIED;	
11	4. This matter is referred back to the magistrate judge for further proceedings consistent	
12	with this order. ¹	
13	IT IS SO ORDERED.	
14	Dated: March 8, 2021 Jale A. Dryd	
15	UNITED STATES DISTRICT JUDGE	
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26	¹ Plaintiff's claims against at least one other defendent survived correspondent. However, for the time	
27	¹ Plaintiff's claims against at least one other defendant survived screening. However, for the time being, the remaining claims have been stayed pending referral to the Post Screening Alternative	
28	Dispute Resolution Project. (Doc. No. 46.)	
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