1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 LAWRENCE CHRISTOPHER SMITH, No. 1:18-cv-00851 JLT BAM (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS DENYING 13 v. PLAINTIFF'S MOTION FOR LAW LIBRARY ACCESS AND GRANTING DEFENDANT'S 14 MOTION FOR SUMMARY JUDGMENT KNOWLTON., (EXHAUSTION) 15 Defendant. (Docs. 37, 46, 64) 16 17 Lawrence Christopher Smith is a state prisoner proceeding pro se and in forma pauperis 18 in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant 19 Knowlton for excessive force in violation of the Eighth Amendment. 20 On February 7, 2024, the assigned Magistrate Judge issued findings and recommendations 21 to deny Plaintiff's motion for law library access and grant Defendant's motion for summary 22 judgment (exhaustion). (Doc. 64.) The findings and recommendations were served on the parties 23 and contained notice that any objections were to be filed within 14 days. (*Id.* at 11–12.) 24 Following an extension of time, Plaintiff timely filed objections on April 2, 2024. (Doc. 69.) 25 Defendant filed a response to the objections. (Doc. 70.) Plaintiff's objections raise a variety of arguments. To the extent Plaintiff contends that the 26 27 findings and recommendations should not be adopted on the basis of events outside the scope of 28 this action, such as allegations raised in other lawsuits, the actions of defense counsel in this case

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or any other suit, Plaintiff's continuing belief that all of Plaintiff's current and prior litigation should be consolidated, or requests for sanctions against attorneys, those arguments have been repeatedly dismissed by the Court. (*See* Docs. 8, 62, 63; *see also* Doc. 64 at 9, n.4.) Plaintiff's remaining arguments regarding the motion for summary judgment at issue, that his administrative remedies were unavailable due to alleged due process violations at his disciplinary hearing for the September 9, 2013 incident, are not relevant to the issue of whether Plaintiff exhausted his administrative remedies for Plaintiff's excessive force claim for the events of September 9, 2013.

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

- 1. The findings and recommendations issued on February 7, 2024, (Doc. 64), are **ADOPTED IN FULL**.
- 2. Plaintiff's motion for law library access, (Doc. 46), is **DENIED.**
- 3. Defendant's motion for summary judgment for failure to exhaust, (Doc. 37), is **GRANTED**.
- 4. This action is dismissed, without prejudice, for failure to exhaust administrative remedies.
- 5. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **April 17, 2024**

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