



1 indicate anyone other than the named individuals involved, his case is distinguishable from *Reyes*.  
2 (Doc. No. 95 at 4.) In *Reyes*, the court held that even though all the defendants were not named in the  
3 grievance, the grievance was still sufficient to exhaust the administrative remedy with respect to the  
4 entire committee of medical doctors that made the ultimate decision of denying the plaintiff his  
5 medication. *Reyes*, 810 F.3d at 658-59. The *Reyes* plaintiff had mentioned only one doctor in his  
6 grievance. *Id.* at 658. The court reasoned that the administrative process is only required to “alert  
7 prison officials to a problem, not to provide personal notice to a particular official that he may be  
8 sued.” *Id.* at 659 (quoting *Jones v. Bock*, 549 U.S. 199, 219 (2007)). Similar to *Reyes*, it may be  
9 inferred that prison officials in this case could have easily identified Defendants Brown and Garcia, as  
10 they had approved the cell move to place Plaintiff in an upper tier cell. (Doc. No. 91 at 7; Doc. No.  
11 53, 9-10.) Given Plaintiff had become aware of Defendants Brown and Garcia’s involvement only by  
12 way of discovery from Defendants (Doc. No. 42 at 3; *see also* Doc. No. 86, Ex. E), the administrative  
13 remedy was effectively unavailable to him with respect to those Defendants. Therefore, the court  
14 finds Defendants’ objections unpersuasive to overturn the findings and recommendations.

15 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B), this court has conducted a *de*  
16 *novo* review of this case. Having carefully reviewed the entire file, including Defendants’ objections,  
17 the undersigned concludes that the findings and recommendations are supported by the record and  
18 proper analysis.

19 Accordingly,

- 20 1. The findings and recommendations issued on February 28, 2022 (Doc. No. 91) are  
21 adopted in full;
- 22 2. Defendants’ motion for summary judgment for failure to exhaust the administrative  
23 remedies (Doc. No. 85) is denied; and

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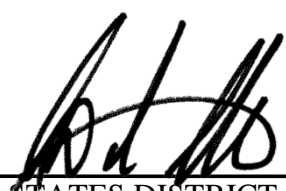
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3. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: September 15, 2022

  
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UNITED STATES DISTRICT JUDGE