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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10) Case No. 1.10 at 00149 ADA SAD (\mathbf{PC})	
11	BINH CUONG TRAN,) Case No.: 1:19-cv-00148-ADA-SAB (PC)	
12 13	Plaintiff,) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING	
13	v. S. SMITH, et al.,) <u>DEFENDANTS' MOTION FOR SUMMARY</u> <u>JUDGMENT</u>	
15) (Doc. Nos. 85, 91)	
16	Defendants.) _)	
17	Plaintiff Binh Cuoung Tran ("Plaintiff") is proceeding <i>pro se</i> in this civil rights action pursuant	
18	to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28		
19	U.S.C. § 636(b)(1)(B) and Local Rule 302.		
20	On February 28, 2022, the assigned magistrate judge issued findings and recommendations,		
21	recommending that Defendants' motion for summary judgment for failure to exhaust the		
22	administrative remedies (Doc. No. 85) be denied. (Doc. No. 91.) The findings and recommendations		
23	were served on the parties and contained notice that any objections thereto were to be filed within		
24	twenty-one (21) days after service. (Id. at 11.) On March 21, 2022, Defendants filed objections to the		
25	findings and recommendations. (Doc. No. 95.)		
26	In Defendants' opposition to the findings and recommendations, Defendants argue that the		
27	court's reliance on Reyes v. Smith, 810 F.3d 654 (9th Cir. 2016) is misplaced. (Doc. No. 95 at 4.)		
28	Defendants narrowly interpreted Reyes. Defendants argue that because Plaintiff's grievance failed to		

1	indicate anyone other than the named individuals involved, his case is distinguishable from <i>Reyes</i> .			
2	(Doc. No. 95 at 4.) In <i>Reyes</i> , 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. <i>Reyes</i> , 810 F.3d at 658-59. The <i>Reyes</i> plaintiff had mentioned only one doctor in his			
6	grievance. <i>Id.</i> 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; <i>see also</i> 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. \S 636(b)(1)(B), this court has conducted a <i>de</i>			
16	<i>novo</i> 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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1	3.	This matter is referred back to the assigned magistrate judge for further proceedings.
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4	IT IS SO OF	RDERED.
5	Dated:	September 15, 2022
6		UNITED STATES DISTRICT JUDGE
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