

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 LAWRENCE CHRISTOPHER SMITH,

1:19-cv-00286-JLT-GSA-PC

12 Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL**

13 vs.

(Doc. 57.)

14 PARRIOT, et al.,

15 Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT,
BASED ON PLAINTIFF'S FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES,
AND AS BARRED BY *HECK V. HUMPHREY*,
WITHOUT PREJUDICE TO FILING A
PETITION FOR WRIT OF HABEAS CORPUS**

(Doc. 47.)

**ORDER FOR CLERK TO ENTER
JUDGMENT FOR DEFENDANTS AND
CLOSE CASE**

16
17
18
19
20
21
22 The magistrate judge recommended that Defendants' motion for summary judgment,
23 filed on September 15, 2021, be granted. (Doc. 57.) The court granted 14 days in which to file
24 objections to the findings and recommendations, but none were filed.¹ (*Id.*)
25

26
27
28

¹ Plaintiff was given several extensions of time to file objections. (Docs. 59, 61.) Instead of filing objections, on June 29, 2022, Plaintiff filed a request to stay this matter (Doc. 62), which was denied by the assigned magistrate judge (Doc. 63). Plaintiff then filed a motion for reconsideration of that denial (Doc. 64), which was also denied (Doc. 65). In an abundance of caution, the Court afforded Plaintiff additional time after his motion for reconsideration was denied before entering this order.

1 According to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the
3 findings and recommendations to be supported by the record and proper analysis. the Court

4 **ORDERS:**

- 5 1. The findings and recommendations issued by the magistrate judge on February
6 10, 2022 (Doc. 57), are **ADOPTED IN FULL**.
- 7 2. Defendants’ motion for summary judgment based on Plaintiff’s failure to
8 exhaust administrative remedies, and as barred by *Heck v. Humphrey*, filed on
9 September 15, 2021 (Doc. 47), is **GRANTED**, without prejudice to filing a
10 petition for writ of habeas corpus.
- 11 3. All other pending motions are denied as moot.
- 12 4. The Clerk is directed to enter judgment in favor of Defendants and close this
13 case.

14
15 IT IS SO ORDERED.

16 Dated: September 2, 2022


UNITED STATES DISTRICT JUDGE