

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES FRANCIS GOODS,
Plaintiff,
v.
WASCO STATE PRISON,
Defendant.

) Case No.: 1:19-cv-00661-AWI-SAB (PC)
)
)
) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, DENYING MOTION TO
) AMEND THE COMPLAINT, AND DISMISSING
) ACTION, WITHOUT PREJUDICE, FOR FAILURE
) TO EXHAUST THE ADMINISTRATIVE
) REMEDIES
)
) [ECF Nos. 10, 11, 12, 13]
)
)

Plaintiff Charles Francis Goods is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 28, 2019, the Court ordered Plaintiff to show cause within twenty-one (21) days why the action should not be dismissed for failure to exhaust the administrative remedies. Plaintiff did not respond to the Court's order. Therefore, on July 2, 2019, the Magistrate Judge issued Findings and Recommendations recommending that the action be dismissed.

Then, on July 18, 2019, Plaintiff filed a motion to amend the complaint. (ECF No. 11.) On July 18, 2019, the Magistrate Judge issued Findings and Recommendations to deny Plaintiff's motion to amend and granted Plaintiff an additional fourteen days to file objections to the Findings and Recommendations. More than fourteen days have passed and Plaintiff has not filed objections. However, on August 5, 2019, Plaintiff filed a motion to proceed on the claim against Wasco State

1 Prison. (ECF No. 13.) Plaintiff's August 5, 2019, motion is not responsive to either of the Findings
2 and Recommendations and does not address whether he has exhausted the administrative remedies as
3 set forth in the Court's May 28, 2019, order to show cause. Plaintiff's motion therefore does not
4 provide any basis for relief or call into question the Magistrate Judge's analysis.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de*
6 *novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and
7 Recommendations to be supported by the record and by proper analysis.

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9 1. The Findings and Recommendations issued on July 2, 2019 (Doc. No. 10) and July 18,
10 2019 (Doc. No. 12), are adopted in full;
- 11 2. Plaintiff's motion to amend the complaint (Doc. No. 11) is denied;
- 12 3. Plaintiff's motion to proceed (Doc. No. 13) is denied; and
- 13 4. The instant action is dismissed, without prejudice, for failure to exhaust the
14 administrative remedies.

15
16 IT IS SO ORDERED.

17 Dated: October 7, 2019



18 SENIOR DISTRICT JUDGE

19
20
21
22
23
24
25
26
27
28