

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES B. FAULTRY,  
Plaintiff,  
v.  
A. SANCHEZ, et al.,  
Defendants.

No. 1:19-cv-01033-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT DUE TO PLAINTIFF'S  
FAILURE TO EXHAUST  
ADMINISTRATIVE REMEDIES

(Doc. Nos. 28, 33)

Plaintiff Charles B. Faultry is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 6, 2020, the assigned magistrate judge issued findings and recommendations recommending that defendants' motion for summary judgment (Doc. No. 28) be granted due to plaintiff's failure to exhaust his administrative remedies prior to filing suit as is required. (Doc. No. 33.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within thirty (30) days after service. (*Id.* at 10–11.) No objections have been filed and the time in which to do so has now passed.

////

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
3 findings and recommendations are supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on October 6, 2020 (Doc. No. 33) are  
6 adopted in full;
- 7 2. Defendants' motion for summary judgment based upon plaintiff's failure to  
8 exhaust his administrative remedies, with respect to the claims presented in this  
9 action, prior to filing suit as required (Doc. No. 28) is granted;
- 10 3. This case is dismissed without prejudice;
- 11 4. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: November 23, 2020

14   
15 \_\_\_\_\_  
16 UNITED STATES DISTRICT JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28