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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MCKINLEY PIERCE ATKINS,	No. 1:20-cv-00193-ADA-CDB (PC)
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
14	E. ROCHA, et al.,	(ECF No. 52)
15	Defendants.	
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17	Plaintiff McKinley Pierce Atkins ("Plaintiff") is a state prisoner proceeding pro se and in	
18	forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was	
19	referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule	
20	302.	
21	On September 15, 2022, the then assigned Magistrate Judge issued findings and	
22	recommendations, recommending Defendants' motion for summary judgment be granted for	
23	Plaintiff's failure to exhaust administrative remedies. (ECF No. 52.) Plaintiff was afforded	
24	fourteen (14) days to file objections. ( <i>Id.</i> at 22.) On October 5, 2022, Plaintiff was granted a	
25	thirty (30) day extension of time within which to file any objections. (ECF No. 54.) More than	
26	30 days have now passed, and Plaintiff did not file objections. <sup>1</sup>	
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<sup>1</sup> The docket reflects Plaintiff filed a Motion to Stay and for Appointment of Counsel on October 31, 2022; the assigned Magistrate Judge issued an Order denying the motion on November 4, 2022. (ECF No. 57.) In the Order, it was noted that Plaintiff's filing did not "affect the fact his objections to the pending Findings and Recommendations

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a 1 2 de novo review of this case. Having carefully reviewed the file, the Court finds the findings and 3 recommendations to be supported by the record and proper analysis. 4 Accordingly, 5 1. The findings and recommendations issued on September 15, 2022, (ECF No. 52), are ADOPTED in full; 6 7 2. Defendants' motion for summary judgment for Plaintiff's failure to exhaust his 8 administrative remedies as to his deliberate indifference claims against Defendants 9 De Lussa and Rios, (ECF No. 47), is GRANTED; 10 3. This action is DISMISSED without prejudice for Plaintiff's failure to exhaust 11 administrative remedies prior to filing suit; and 12 4. The Clerk of the Court is directed to close this case. 13 14 IT IS SO ORDERED. 15 Dated: December 7, 2022 16 17 18 19 20 21 22 23 24 25 26 27 28

are due on November 4, 2022. (Id. at 3.) In other words, if Plaintiff intends to file objections, he remains obligated to do so timely, and the instant motion does not affect the deadline for filing said objections." (Id.)