1 2 3 5 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 RICK RAMIREZ, Case No.: 1:22-cv-00121-AWI-SAB (PC) 12 Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION 13 v. FOR FAILURE TO EXHAUST THE ADMINISTRATIVE REMEDIES CALIFORNIA DEPARTMENT OF 14 CORRECTIONS AND REHABILITATION, (Doc. Nos. 20, 21) 15 et al., 16 Defendants. 17 18 Plaintiff Rick Ramirez is proceeding pro se and in forma pauperis in this civil rights action 19 20 pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 22 On February 18, 2022, the assigned magistrate judge issued an Order to Show Cause why this 23 action should not be dismissed for a failure to exhaust administrative remedies. (Doc. No. 20.) 24 Plaintiff was provided 14 days to respond. (*Id.*) Plaintiff failed to respond. 25 Thereafter, on March 23, 2022, the assigned magistrate judge found that it was clear on the 26 face of plaintiff's complaint that he had failed to exhaust administrative remedies prior to filing suit, as 27 required by the Prison Litigation Reform Act. (Doc. No. 21.) The magistrate judge provided plaintiff

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with 14 days within which to file objections to the findings and recommendations. (*Id.*) To date, plaintiff has not filed any objections, and the time to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and proper analysis. The court will adopt the Findings and Recommendation.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations issued on March 23, 2022 (Doc. No. 21) are adopted in full;
- 2. This action is dismissed without prejudice for failure to exhaust administrative remedies;
- 3. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: June 10, 2022

SENIOR DISTRICT JUDGE