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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES EUGENE BARBER,
Plaintiff,
v.
REYNA,
Defendant.

Case No. 1:22-cv-01594-ADA-BAM (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS REGARDING
DISMISSAL OF ACTION FOR FAILURE TO
EXHAUST ADMINISTRATIVE REMEDIES
(ECF No. 16)

Plaintiff James Eugene Barber (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a first amended complaint on February 13, 2023. (ECF No. 12.)

On February 17, 2023, the Court issued an order requiring Plaintiff to show cause why this action should not be dismissed for failure to exhaust administrative remedies. (ECF No. 13.) Plaintiff filed a response to the order to show cause on March 10, 2023. (ECF No. 14.)

On March 10, 2023, the assigned Magistrate Judge discharged the order to show cause and issued findings and recommendations recommending that this action be dismissed, without prejudice, based on Plaintiff’s failure to exhaust his administrative remedies prior to filing this action. (ECF No. 16.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) No objections have been filed, and the deadline to do so has expired.

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

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations issued on March 10, 2023, (ECF No. 16), are adopted in full;
2. This action is dismissed, without prejudice, due to Plaintiff’s failure to exhaust administrative remedies prior to filing suit; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 31, 2023



UNITED STATES DISTRICT JUDGE