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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DIMITRI Z. STORM,)	Case No. 1:24-cv-917 KES-EPG
Plaintiff,)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATIONS TO DISMISS ACTION
OFFICE OF THE CALIFORNIA)	FOR FAILURE TO EXHAUST
GOVERNOR, <i>et al.</i> ,)	ADMINISTRATIVE REMEDIES
Defendants.)	Doc. 10

Dimitri Storm is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Docs. 1, 7. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge screened plaintiff’s complaint pursuant to 28 U.S.C. § 1915A(a). On September 17, 2024, the magistrate judge ordered plaintiff to show cause why the action should not be dismissed for failure to exhaust his administrative remedies. Doc. 8. Plaintiff failed to respond to the order. *See* Docket. On November 7, 2024, the magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, for plaintiff’s failure to exhaust his administrative remedies prior to filing this action. Doc. 10. Specifically, the findings and recommendations found that plaintiff’s August 8, 2024, complaint alleged conduct occurring

1 between July 20 and August 8, 2024. *Id.* at 3. Accordingly, there was “simply not enough time for
2 Plaintiff to follow [the] prison’s grievance procedure and fully exhaust his claims before filing his suit.”
3 *Id.* The findings and recommendations were served on plaintiff and contained notice that any
4 objections thereto were to be filed within thirty (30) days after service. *Id.* at 4. Plaintiff did not file
5 any objections, and the deadline to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
7 Having carefully reviewed the file, the Court concludes that the findings and recommendations are
8 supported by the record and proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations issued on November 7, 2024, Doc. 10, are adopted in full;
- 11 2. This action is dismissed, without prejudice, for plaintiff’s failure to exhaust administrative
12 remedies prior to filing suit; and
- 13 3. The Clerk of the Court is directed to close this case.

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16 IT IS SO ORDERED.

17 Dated: January 7, 2025

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UNITED STATES DISTRICT JUDGE