

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAREEM HOWELL,

Plaintiff, No. CIV S-06-0519 MCE KJM P

VS.

A. AUDETTE, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 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 General Order No. 262.

On December 4, 2008, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.<sup>1</sup>

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<sup>1</sup> Plaintiff has filed both objections to the magistrate judge’s findings and recommendations and a “motion for reconsideration.” The court construes the “motion for consideration as further objections to the findings and recommendations.

1           In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and by  
4 proper analysis.

5           Accordingly, IT IS HEREBY ORDERED that:

6           1. The findings and recommendations filed December 4, 2008, are adopted in  
7 full;

8           2. Defendants' motion to dismiss (Docket No 32) is granted;

9           3. Plaintiff's remaining claims are dismissed without prejudice for failure to  
10 exhaust administrative remedies prior to filing suit; and

11           4. This case is closed.

12           Dated: February 13, 2009

13             
14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE