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

10 KAREEM HOWELL,

11 Plaintiff,

No. CIV S-06-0519 MCE KJM P

12 vs.

13 A. AUDETTE, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

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

23 /////


24 _____
25 ¹ Plaintiff has filed both objections to the magistrate judge's findings and
26 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

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