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

LEE V. QUILLAR,

Plaintiff,

No. CIV S-06-2394 FCD GGH P

vs.

NIKKI ZEPEDA, 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 June 10, 2009, 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. Neither party has filed objections to the findings and recommendations.


The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed June 10, 2009, are adopted in full;
2. The motion to dismiss (docket #44) is granted and defendants Zepeda, Veal, Schwartz, Cullen, O’Ran, Anderson, Hollinger, Robinson, Tyman and Hall are dismissed without prejudice for failure to exhaust; and
3. Claims against Shankland relating to the July 2005 disciplinary hearing and claims against Martinez for trying to extend plaintiff’s Ad Seg term on December 2, 2005 are also dismissed without prejudice for failure to exhaust.

DATED: August 10, 2009.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE