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

STEVEN MONGER,

Plaintiff,

No. CIV S-08-1045 JAM DAD P

vs.

D.K. SISTO, Warden,

Defendant.

ORDER

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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 September 9, 2008, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. On November 13, 2008, plaintiff was granted an additional thirty days to file objections. The time period has now expired and plaintiff has not 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 September 9, 2008, are adopted in full;

2. Plaintiff's May 14, 2008 application to proceed in forma pauperis (Doc. No. 2) is denied; and

3. This action is dismissed without prejudice for failure to exhaust available administrative remedies before bringing this action.

DATED: January 15, 2009

/s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE

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