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

WILLIAM HENRY CHARLES, SR.,

Plaintiff,

No. CIV S-09-1051 LKK GGH P

vs.

JAMES TILTON, 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 May 15, 2009, 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. Plaintiff has filed objections to the findings and recommendations.¹


¹ In none of plaintiff's objections does he state that he has, in fact, exhausted his administrative remedies. Instead, he asserts that, for example, a letter from a correctional counselor II obviated the need for him to await a third level appeal response; however, that letter, evidently included as an exhibit to his complaint at page 48, far from indicating that plaintiff need not further exhaust his administrative remedies, states that he should appeal his grievance appropriately.

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 May 15, 2009, are adopted in full; and
- 7 2. This action is summarily dismissed without prejudice.

8 DATED: September 3, 2009.

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12 LAWRENCE K. KARLTON
13 SENIOR JUDGE
14 UNITED STATES DISTRICT COURT
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