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

MARCELL WILLIS,

Plaintiff,

No. 2:10-cv-1631 KJM GGH P

vs.

FOLSOM STATE PRISON
MEDICAL STAFF, 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 10, 2012, the magistrate judge filed findings and recommendations, 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 fourteen days. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

1 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.
2 1983). Having carefully reviewed the file, the court finds the findings and recommendations to
3 be supported by the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed August 10, 2012, are adopted in full;
- 6 2. Defendants' motion to dismiss for failure to exhaust administrative remedies,
7 filed on February 27, 2012 (docket # 46), is granted in part and denied in part as follows:
8 GRANTED as to defendants O'Laughlin and Casey; and DENIED as to defendants Lee,
9 Vasquez, Hayward, Dochow, Curry and Damiano; and
10 3. This matter will proceed to trial as to the remaining defendants.

11 DATED: September 24, 2012.

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14 UNITED STATES DISTRICT JUDGE
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