1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN MCCLINTOCK, No. 2:13-cv-0264 TLN DAD P 12 Plaintiff, 13 v. ORDER 14 COLOSIMO, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 5, 2015, the magistrate judge filed findings and recommendations herein which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations. 23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 24 25 Court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. ///// 28 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed March 5, 2015, are adopted in full; 2. The Motion for Summary Judgment filed on behalf of Defendants Casillas and Merriweather based on Plaintiff's failure to exhaust administrative remedies prior to filing suit as required (ECF No. 35) is granted; and 3. Defendants Casillas and Merriweather are dismissed from this action without prejudice. IT IS SO ORDERED. Dated: April 16, 2015 Troy L. Nunley United States District Judge