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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCELINO CLEMENTE,
Plaintiff,
v.
T. PARCIASEPE, et al.,
Defendants.

No. 2:14-cv-0611 MCE KJN P

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 Rule 302.

On March 6, 2015, the magistrate judge filed findings and recommendations (ECF No. 39), 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 has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly:

- 1. The findings and recommendations (ECF No. 39) filed March 06, 2015, are ADOPTED IN FULL;

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2. Defendant's motion for summary judgment on defendant's retaliation claim (ECF No. 29) is GRANTED, and plaintiff's retaliation claims against defendant are DISMISSED without prejudice based on plaintiff's failure to exhaust administrative remedies; and

3. This action now proceeds solely on plaintiff's Eighth Amendment claim. (ECF No. 39 at 12.)

IT IS SO ORDERED.

Dated: April 15, 2015



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT