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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE GONZALEZ, JR.,
Plaintiff,
v.
R. GAMBERG, et al.,
Defendants.

No. 2:14-cv-0737 KJM CKD 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 14, 2016, 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 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 14, 2016, are adopted in full;
2. Defendant Lively’s motion for summary judgment (ECF No. 33) is granted;
3. Plaintiff’s remaining claims against defendant Lively are dismissed for failure to exhaust available administrative remedies prior to bringing suit; and
4. This matter is referred back to the magistrate judge assigned to this case for further proceedings.

DATED: February 7, 2017


UNITED STATES DISTRICT JUDGE