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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN GRIGSBY,  
Plaintiff,  
v.  
M. MUNGUIA, et al.,  
Defendants.

No. 2:14-cv-0789 GEB AC 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 9, 2016, the magistrate judge filed findings and recommendations herein 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. Defendants have filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the

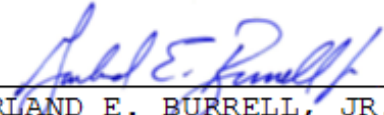
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1 court finds the findings and recommendations to be supported by the record and by proper  
2 analysis.<sup>1</sup>

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed March 9, 2016, are adopted in full;
- 5 2. Defendants' motion for summary judgment (ECF No. 52) is denied; and
- 6 3. This case is referred back to the assigned magistrate judge for all further pretrial  
7 proceedings.

8 Dated: March 30, 2016

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12 GARIAND E. BURRELL, JR.  
13 Senior United States District Judge  
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23 <sup>1</sup> To the extent defendant argues that plaintiff's excessive force claim against defendant Baker is  
24 unexhausted because plaintiff named four officers in his administrative appeal but did not name  
25 Baker, defendant fails to address the magistrate judge's finding that prison officials became aware  
26 of defendant Baker's involvement in the excessive force incident when they interviewed Baker in  
27 connection with plaintiff's disciplinary violation resulting from the same incident. See ECF No.  
28 66 at 19-20; Reyes v. Smith, 810 F.3d 654, 657-658 (9th Cir. 2016) (dismissing a claim for  
failure to exhaust does not serve the goals of the PLRA's exhaustion requirement where prison  
officials have had the opportunity to address the grievance, correct their own errors, and develop  
an administrative record). See also id. at 659 (rejecting defendants' argument that because  
plaintiff's grievance "related on its face" only to the actions of one non-defendant doctor, the  
grievance did not exhaust plaintiff's claim relating to actions of the two defendant doctors).