

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 24, 2016, are adopted in full; and

2. Defendant Lanigan’s July 24, 2015 motion to dismiss for failure to exhaust (ECF No. 17) is denied without prejudice to defendant raising the defense in a properly-noticed motion for summary judgment.

DATED: April 14, 2016

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE