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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL XAVIER BELL,  
Plaintiff,  
v.  
MICHAEL MARTEL, et al.,  
Defendants.

No. 2:17-cv-00063-MCE-CKD

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 July 13, 2020, 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. ECF No. 91. Neither party has filed objections to the findings and recommendations.

Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

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1 The Court presumes that any findings of fact are correct. See Orand v. United States, 602  
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.  
3 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having  
4 reviewed the file, the Court finds the findings and recommendations to be supported by the record  
5 and by the magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed July 13, 2020 (ECF No. 91), are ADOPTED  
8 in full;

9 2. The motion for summary judgment (ECF No. 86) is GRANTED with respect to  
10 defendants Quinto, Brown, and Spalding based on plaintiff's failure to exhaust his administrative  
11 remedies. The motion is DENIED as to defendants Agapay, Gill, Go, Gatchalian, Simon,  
12 Urquidez, and Espino-Acevedo;


13 3. The motion for summary judgment is DENIED with respect to defendants Wagner and  
14 Richardson because no argument was presented that plaintiff failed to exhaust his administrative  
15 remedies concerning the claims against these defendants;

16 4. Defendants Quinto, Brown, and Spalding are DISMISSED without prejudice from this  
17 action; and

18 5. This action shall proceed against defendants Agapay, Gill, Go, Gatchalian, Simon,  
19 Uriquidez, Espino-Acevedo, Wagner, and Richardson.

20 IT IS SO ORDERED.

21 Dated: September 22, 2020

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23 MORRISON C. ENGLAND, JR.  
24 SENIOR UNITED STATES DISTRICT JUDGE  
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