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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORGE PALACIOS,
Plaintiff,
v.
KEVIN SMITH, et al.,
Defendants.

No. 2:17-cv-02500-TLN-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 January 14, 2019, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 25.) Plaintiff has not filed objections to the findings and recommendations.

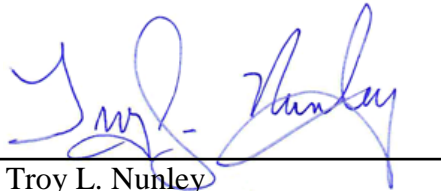
The Court presumes that any findings of fact are correct. See *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the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

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 14, 2019 (ECF No. 25), are adopted in full; and
2. Claim Three is dismissed without leave to amend because Plaintiff did not exhaust his administrative remedies with respect to the claim that Defendant Smith confiscated his medication and the claims regarding his living conditions and mental health treatment fail to state a claim.

Dated: June 18, 2019



Troy L. Nunley
United States District Judge