1		
2		
3		
4		
5		
6		
7		
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	TIM DAVIS,	No. 2:19-CV-0848-MCE-DMC-P
12	Plaintiff,	
13	v.	ORDER
14	MARION SPEARMAN, et al.,	
15	Defendants.	
16		
17	Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. §	
18	1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of	
19	California local rules.	
20	On April 19, 2022, the Magistrate Judge filed findings and recommendations herein which	
21	were served on the parties and which contained notice that the parties may file objections within	
22	the time specified therein. No objections to the findings and recommendations have been filed.	
23	The Court has reviewed the file and finds the findings and recommendations to be	
24	supported by the record and the Magistrate Judge's analysis.	
25	///	
26	///	
27	///	
28	///	
		1

1	Accordingly, IT IS HEREBY ORDERED that:	
2	1. The findings and recommendations filed April 19, 2022, are ADOPTED in full;	
3	2. Defendant's motion for summary judgment, ECF No. 73, is GRANTED;	
4	3. Defendant Spearman is dismissed from this action for failure to exhaust	
5	administrative remedies; and	
6	4. This case shall proceed on Plaintiff's remaining claims.	
7	IT IS SO ORDERED.	
8	Dated: November 16, 2022	
9	Molan 12 i.	
10	MORRISON C. ENGLAND, JR	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	2	