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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH ALLEN SHARONOFF,
Plaintiff,
v.
THOMAS TYLER, et al.,
Defendants.

No. 2:19-cv-1239 JAM CKD 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 October 16, 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 fourteen days. Plaintiff has filed objections to the findings and recommendations.

On August 27, 2019, the magistrate judge dismissed plaintiff’s original complaint with leave to amend. In that order, the magistrate judge gave plaintiff instructions and suggestions as to the contents of the amended complaint. The magistrate judge recommends this action be dismissed based upon plaintiff’s failure to file an amended complaint. In his objections, plaintiff asserts he complied with the magistrate judge’s order on July 24, 2019 when he filed a document

1 he titled “Motion for Summary Judgment Based On Defendants’ Failure to Exhaust Available or
2 Provide Available Administrative Remedies.” However, the “Motion . .” was filed before the
3 magistrate judge’s dismissal with leave to amend order was issued. Furthermore, the “Motion
4 ...,” actually construed as a motion for summary judgment by the magistrate judge just as the title
5 suggests, was denied without prejudice in the same order.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
7 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
8 court finds the findings and recommendations to be supported by the record and by proper
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed October 16, 2019, are adopted in full; and
- 12 2. This action is dismissed without prejudice.

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14 DATED: December 4, 2019

15 /s/ John A. Mendez

16 UNITED STATES DISTRICT COURT JUDGE
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