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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM RANDOLPH POWELL,  
Plaintiff,  
v.  
GOMES, et al.,  
Defendants.

No. 2:21-cv-0781 DJC DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, 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 April 1, 2024, 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 thirty days. Neither party 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 *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). The Court has reviewed the file and finds

1 the findings and recommendations to be supported by the record and by the  
2 Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations (ECF No. 59) are adopted in full; and
- 4 2. Administrative remedies were unavailable to plaintiff. Therefore, plaintiff is  
5 excused from the exhaustion requirement of the PLRA.
- 6 3. This matter is referred back to the Magistrate Judge for all further pretrial  
7 proceedings.

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9 IT IS SO ORDERED.

10 Dated: May 10, 2024

  
11 Hon. Daniel J. Calabretta  
12 UNITED STATES DISTRICT JUDGE  
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