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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHARLES SMEDLEY, III,

Plaintiff,

vs.

G. REID, et al.,

Defendant.

CASE NO. 08cv1602 BTM (BLM)

**ORDER ADOPTING REPORT &
RECOMMENDATION AND
DISMISSING COMPLAINT
WITHOUT PREJUDICE**

Plaintiff, Charles Smedley, III, filed a federal civil-rights complaint under 42 U.S.C. § 1983 against state correctional officer G. Reid and Medical Technical Assistant Williams for events occurring while Plaintiff was incarcerated at R.J. Donovan State Prison. Defendants moved to dismiss the Complaint on several grounds. Plaintiff did not oppose the motion. On September 29, 2009, Magistrate Judge Barbara Major filed a Report and Recommendation that the complaint be dismissed. Plaintiff has not filed any objections.

The Court has reviewed the Report and Recommendation and the relevant record and concludes that the Report and Recommendation correctly applies the law to Plaintiff's Complaint. The Court **ADOPTS** the Report and Recommendation as the decision of the Court on Defendants' Motion to Dismiss.

Therefore, **IT IS ORDERED** as follows:

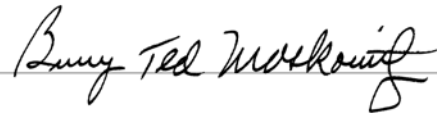
(1) Plaintiff's Complaint is dismissed without prejudice as to both Defendants for

1 failure to exhaust administrative remedies;

2 (2) The Court agrees with the Magistrate Judge's Recommendations (2) through (7)
3 on pages 27–28. However, since the Complaint is dismissed, it is unnecessary to reduce
4 those recommendations to judgment.

5 **IT IS SO ORDERED.**

6 DATED: January 27, 2010

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9 Honorable Barry Ted Moskowitz
United States District Judge