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

TERRY LYDELL KIRKPATRICK, SR.

vs.

GUILLERMO GIRON,

Plaintiff,

Defendant.


CASE NO. 09cv2020 JM(BLM)

ORDER ADOPTING REPORT AND
RECOMMENDATION RE:
GRANTING DEFENDANT’S
MOTION TO DISMISS FOR
FAILURE TO EXHAUST

On May 15, 2010, Magistrate Judge Barbara L. Major entered a Report and Recommendation Re: Granting Defendant’s Motion to Dismiss for Failure to Exhaust Administrative Remedies (“R & R”). The R & R, expressly incorporated herein, thoroughly and thoughtfully analyzed Plaintiff’s failure to exhaust available administrative remedies as required by the PLRA, 42 U.S.C. §1997e(a). Plaintiff has not filed any objections to the R & R. For the reasons set forth in the R & R, the court adopts the R & R in its entirety and dismisses the complaint. The Clerk of Court is instructed to close the file.

IT IS SO ORDERED.

DATED: June 21, 2010



Hon. Jeffrey T. Miller
United States District Judge

cc: All parties