

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SIR GIORGIO SANFORD CLARDY,

No. 2:15-cv-01241-CL

Plaintiff,

ORDER

v.

JONES; STEINER; JOST; JUDY
GILMORE; JASON BELL; MILLER;
COLLETTE PETERS; WAGGONER;
BUGHER; MOONEY; JOHN AND
JANE DOES, all members of IPC
Committee,

Defendants.

HERNÁNDEZ, District Judge:

This matter comes before the Court on remand from the Ninth Circuit, affirmed the district court's grant of summary judgment to Defendants on all claims except for Plaintiff's claim against Defendant Jost. The Ninth Circuit reversed the grant of summary judgment in favor of Jost and remanded the case for the district court to determine in the first instance whether ODOC deprived Plaintiff of an effective administrative remedy for his grievance against Defendant Jost. Magistrate Judge Clarke issued a Findings and Recommendation [113] on June 16, 2020, in which he finds that ODOC did not deprive Plaintiff of an effective administrative remedy and recommends that the Court dismiss Plaintiff's Complaint. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed objections to the Magistrate Judge's Findings & Recommendation. Pl. Obj., ECF 115. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

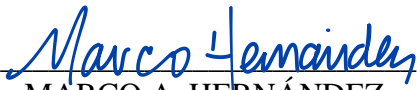
The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Clarke's Findings and Recommendation [113] and concludes that Oregon Department of Corrections' grievance process did not deprive Plaintiff of an effective administrative remedy. Because Plaintiff failed to exhaust his administrative remedies his claim is barred under the Prison Litigation Reform Act. Therefore, Plaintiff's Complaint [2] is dismissed with prejudice.

IT IS SO ORDERED.

DATED: November 23, 2020.


MARCO A. HERNÁNDEZ
United States District Judge