

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Romaine Nevels v. J. Kern

No. 2:22-cv-0441 KJM AC P, United States District Court for the Eastern District of California (July 8, 2025)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF
CALIFORNIA 9 10 Romaine Nevels, No. 2:22-cv-0441 KJM AC P 11 Plaintiff, ORDER 12 v. 13
J. Kern 14 Defendant. 15 16 Plaintiff, a state prisoner proceeding pro se, filed this civil rights
action seeking relief 17 under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate Judge as provided 18 by 28 U.S.C. § 636(b)
(1)(B) and Local Rule 302. 19 On May 20, 2025, the magistrate judge filed findings and
recommendations, which were 20 served on all parties and which contained notice to all parties
that any objections to the findings 21 and recommendations were to be filed within twenty-one
days.

ECF No. 35. Neither party filed 22 objections to the findings and recommendations. 23 The court
presumes that any findings of fact are correct. See *Orand v. United States*, 24 602 F.2d 207, 208
(9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed 25 de novo. See *Robbins*
v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law 26 by the magistrate
judge are reviewed de novo by both the district court and [the appellate] court 27....”).

Having reviewed the file, the court finds the findings and recommendations to be 28 supported by
the record and by the proper analysis.] Accordingly, IT IS HEREBY ORDERED that: 2 1. The
findings and recommendations (ECF No. 35) are adopted in full; 3 2. Defendant’s motion for
summary judgment (ECF No. 23) is granted; 4 3. This action is dismissed without prejudice for
failure to exhaust administrative 5 || remedies; and 6 4.

The Clerk of the Court is directed to close this case. 7 IT IS SO ORDERED. 8 | DATED: July 7,
2025. oUt 10 — VM — STATES DISTRICT JUDGE 12 13 14 15 16 17 18 19 20 21 22 23 24
25 26 27 28