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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEAN-MAX DARBOUZE,

Plaintiff,

v.

DR. GREG MALET,

Defendant.

No. 2:23-cv-3055-DC-CSK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(ECF Nos. 41, 49)

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 December 11, 2025, 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 fourteen days. ECF No. 49. Plaintiff filed objections to the findings and recommendations. ECF No. 51. Plaintiff objects that the magistrate judge erred by not applying the correct legal standard and because “Plaintiff’s administrative remedies were not ‘available’ within the meaning of the PLRA due to covid-19 conditions systemic mailroom failures at Mule Creek State Prison, and interference beyond plaintiff’s control.” *Id.* at 1. However, the magistrate judge properly applied the legal standard for summary judgment motions and found that Plaintiff had not produced evidence to show that

1 administrative remedies were unavailable to him. Thus, Plaintiff's objections do not provide a
2 basis upon which to reject the findings and recommendations.

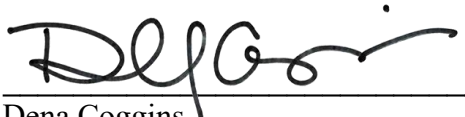
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
5 court finds the findings and recommendations to be supported by the record and by proper
6 analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations (ECF No. 49) are ADOPTED;
9 2. Defendant's motion for partial summary judgment (ECF No. 41) is GRANTED; and
10 3. This matter is referred back to the assigned magistrate judge for further proceedings.

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12 IT IS SO ORDERED.

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14 Dated: September 30, 2026

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16 Dena Coggins
17 United States District Judge
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