

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTWONE STOKES,

Plaintiff,

v.

COSTELLO,

Defendant.

No. 2:24-cv-02413-DAD-CSK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

(Doc. Nos. 25, 35)

Plaintiff Antwone Stokes is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 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 November 24, 2025, the assigned magistrate judge issued findings and recommendations recommending that defendant's motion for summary judgment (Doc. No. 25), based upon plaintiff's purported failure to exhaust his administrative remedies prior to filing suit as is required, be granted. (Doc. No. 35.) Specifically, the magistrate judge concluded that the evidence before the court on summary judgment established that plaintiff did not pursue inmate appeal (Grievance Log No. SAC 61041) through the second level of review prior to filing this civil action. (*Id.* at 9–11.) The magistrate judge also found that plaintiff had conceded that administrative remedies were available and therefore concluded that the failure to exhaust those

1 remedies prior to filing suit could not be excused, defendant's motion should be granted, and this
2 case should be dismissed without prejudice due to plaintiff's failure to exhaust available
3 administrative remedies prior to filing suit. (*Id.* at 11.)

4 The pending findings and recommendations were served on the parties and contained
5 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
6 12.) On December 8, 2025, plaintiff filed objections to the pending findings and
7 recommendations. (Doc. No. 38.) On December 16, 2025, defendant filed a response to
8 plaintiffs' objections.¹ (Doc. No. 39.) Plaintiff's objections do not meaningfully address the
9 pending findings and recommendations and provide no basis upon which the well-reasoned
10 analysis set forth therein should be rejected.

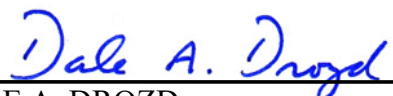
11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
12 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
13 objections and defendant's response thereto, the court concludes that the findings and
14 recommendations are supported by the record and by proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations issued on November 24, 2025 (Doc. No. 35)
17 are adopted in full;
- 18 2. Defendant's motion for summary judgment (Doc. No. 25) is granted;
- 19 3. This action is dismissed without prejudice due to plaintiff's failure to exhaust
20 administrative remedies prior to filing suit as is required; and
- 21 4. The Clerk of the Court is directed to close this case.

22 IT IS SO ORDERED.

23 Dated: March 17, 2026

24 
25 DALE A. DROZD
UNITED STATES DISTRICT JUDGE

26 _____
27 ¹ In its response to plaintiffs objections defendant emphasizes that the undisputed evidence
28 before the court establishes that plaintiff did not exhaust administrative remedies before filing suit
as is required and notes that plaintiff's objections fail to address the analysis set forth in the
pending findings and recommendations. (Doc. No. 29 at 2–3.)