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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARCUS R. ELLINGTON,  
Plaintiff,  
  
v.  
CLARK, et al.,  
Defendants.

CASE NO. 1:09-CV-00054-OWW-DLB  
PC  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTIONS FOR PRELIMINARY  
INJUNCTIVE RELIEF  
  
(ECF NOS. [44](#), [59](#), [61](#))

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Plaintiff Marcus R. Ellington ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se in this civil rights action 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 June 3, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within twenty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on June 11, 2010.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having

1 carefully reviewed the entire file, the Court finds the Findings  
2 and Recommendations to be supported by the record and by proper  
3 analysis. The Magistrate Judge properly found that the Court  
4 lacked jurisdiction in this action to impose preliminary  
5 injunctive relief. The Director of the CDCR is not a Defendant  
6 in this action; the Director was never named as a Defendant in  
7 Plaintiff's second amended complaint, which is the operative  
8 pleading in this action. (Second Am. Compl., ECF No. 23.)  
9 Plaintiff cites to no legal authority to support his contention  
10 that the Director is a Defendant.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The Findings and Recommendations, filed June 3, 2010,  
13 is adopted in full; and
- 14 2. Plaintiff's motions for injunctive relief, filed  
15 December 24, 2009 and May 27, 2010, are DENIED.

16 IT IS SO ORDERED.

17 **Dated: June 28, 2010**

18 **/s/ Oliver W. Wanger**  
19 **UNITED STATES DISTRICT JUDGE**  
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