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

KRZYSZTOF WOLINSKI,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:10-CV-02139-AWI-DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF’S MOTIONS

(DOC. 15)

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Plaintiff Krzysztof Wolinski (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 9, 2010 and November 24, 2010, Plaintiff filed motions construed as motions for preliminary injunctive relief. Docs. [2](#), [8](#). 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 May 11, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on Plaintiff and which contained notice to Plaintiff that any objection to the Findings and Recommendations was to be filed within eighteen days. Plaintiff did not file a timely Objection to the Findings and Recommendations.

The court notes that on June 21, 2011, Plaintiff filed a Notice of Appeal concerning Plaintiff’s perceived delays in responding to pending motions for injunctive relief. However, no final order has been filed on Plaintiff’s injunctive motions. “When a Notice of Appeal is defective in that it refers to a non-appealable interlocutory order, it does not transfer jurisdiction to the appellate court, and so the ordinary rule that the district court cannot act until the mandate

1 has issued on the appeal does not apply.” Nascimento v. Dummer, 508 F.3d 905, 908 (9th Cir.  
2 2007). Thus, the court has jurisdiction to review the pending Findings and Recommendations.

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed May 11, 2011, is adopted in full; and
- 8 2. Plaintiff’s motions, filed November 9, 2010, and November 24, 2010, are denied.

9 IT IS SO ORDERED.

10 Dated: June 30, 2011

  
CHIEF UNITED STATES DISTRICT JUDGE