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

STEWART MANAGO,

Plaintiff,

No. CIV S-07-2290 LKK KJN P

vs.

BRAD WILLIAMS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has 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 General Order No. 262.

On January 28, 2010, 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 twenty-one days. Plaintiff has filed objections to the findings and recommendations.


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis, with one exception. As noted by this court's order of February 24, 2010

1 (adopting the outcome, but not the analysis, recommended by the Magistrate Judge), the “sliding
2 scale” test for preliminary injunctive relief articulated by Coalition for Economic Equity v.
3 Wilson, 122 F.3d 692, 700 (9th Cir. 1997) was rejected in part by Winter v. Natural
4 Res. Def. Council, ___ U.S. ___, ___, 129 S.Ct. 365, 375-76 (2008). Although the court notes
5 this change for future reference, Winter has no effect on the resolution of the instant motion.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed January 28, 2010 (Docket No. 57), are
8 adopted in full; and
9 2. Plaintiff’s motion for special hearing (Docket No. 34), construed as a motion
10 for injunctive relief, is denied.

11 DATED: March 3, 2010.

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14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
16 UNITED STATES DISTRICT COURT
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