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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

10 | BRANDON RACKLIFFE,   CASE NO. 1:07-cv-00603-AWI DLB PC

11   Plaintiff,   ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING

12   v.   PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF

13 | ROCHA, et al.,

                             (Docs. 32 and 33)

14   Defendants.

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16   Plaintiff Brandon Rackliffe ("Plaintiff") is a state prisoner proceeding pro se in this civil

17 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate

18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

19   On June 19, 2009, the Magistrate Judge filed a Findings and Recommendations that

20 recommended Plaintiff's motion for a preliminary injunction be denied. The Findings and

21 Recommendations were served on Plaintiff at the addressed provided by Plaintiff. The Findings and

22 Recommendations contained notice to Plaintiff that any objection to the Findings and

23 Recommendations was to be filed within thirty days. Plaintiff did not file a timely Objection to the

24 Findings and Recommendations.

25   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a

26 de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings

27 and Recommendations to be supported by the record and by proper analysis. The court cannot issue

28 an order concerning Plaintiff's current conditions of confinement at the Fresno County Jail because

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1 this action concerns the alleged excessive use of force by Defendants at Kern Valley State Prison.

2   Accordingly, IT IS HEREBY ORDERED that:

3   1.   The Findings and Recommendations, filed June 19, 2009, is adopted in full; and

4   2.   Plaintiff's motion for preliminary injunctive relief, filed on June 16, 2009, is denied.

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6 IT IS SO ORDERED.

7 **Dated:**   **October 4, 2009**   **/s/ Anthony W. Ishii**

                                     CHIEF UNITED STATES DISTRICT JUDGE

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