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

JESSE T. MOTEN,)	NO. 1:07 cv 00924 AWI MJS PC
)	
Plaintiff,)	ORDER RE: FINDINGS & RECOMMENDATIONS
)	
v.)	Document # 41
)	
DERRAL ADAMS, et al.,)	ORDER DENYING MOTION FOR PRELIMINARY INJUNCTIVE RELIEF
)	
Defendants.)	Document # 35
_____)	

Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 February 4, 2010, [findings and recommendations](#) were entered, recommending that Plaintiff's motion for preliminary injunctive relief filed on July 24, 2009, be denied. The recommendation was based on Plaintiff's failure to establish, by a clear showing, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. See Winter v. Natural Resources Defense Council, Inc., 129 S.Ct. 365, 374 (2008). Specifically, the court found that Plaintiff identified at most a hypothetical possibility of future harm. On March 24, 2010, Plaintiff filed [objections to the findings and recommendations](#).

1 In his motion for injunctive relief, Plaintiff sought a court order allowing him 4-6 hours
2 per week of law library access. In his objections, Plaintiff complains of “elongated lockdowns”
3 and inadequate access to the law library. Plaintiff, by declaration attached to his objections,
4 continues to argue that he will suffer harm if he is not allowed 4-6 hours of law library access per
5 week. Plaintiff recounts the difficulties he is having in conducting legal research. Plaintiff does
6 not, however, meet the standard set forth in Winters. Plaintiff has not shown he is likely to
7 succeed on the merits of his claim because Plaintiff has not shown any specific Court deadlines
8 he is facing in any litigation.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
10 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
11 court finds the findings and recommendations to be supported by the record and proper analysis.

12 Accordingly, THE COURT HEREBY ORDERS that:

- 13 1. The Findings and Recommendations issued by the Magistrate Judge on February 4,
14 2010, are adopted in full; and
15 2. Plaintiff’s motion for preliminary injunctive relief filed on July 24,2009, is denied.

16
17 IT IS SO ORDERED.

18 **Dated:** May 20, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE