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

MICHAEL LENOIR SMITH,

CASE NO. 1:07-cv-01632-AWI-GSA PC

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DENYING  
MOTIONS FOR PRELIMINARY INJUNCTIVE  
RELIEF

v.

SGT. DAVIS, et al.,

(Docs. 63, 65, and 72)

Defendants.

\_\_\_\_\_ /  
This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Michael Lenoir Smith, a state prisoner proceeding pro se and in forma pauperis. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On September 4, 2009, the Magistrate Judge recommended that Plaintiff’s motions seeking preliminary injunctive relief be denied as moot. The parties were given fifteen days within which to file objections. Plaintiff filed an objection on September 18, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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.

Plaintiff’s motions, in which he sought an order directing the release of his legal material, are rendered moot by his concession that he received his legal material. (Doc. 68.) In addition, the Court lacks jurisdiction to issue an order intended to remedy Plaintiff’s current conditions of confinement because such an order would not remedy any of the legal claims in this action, which arise from events that occurred at a different prison in 2007. City of Los Angeles v. Lyons, 461 U.S.

1 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation  
2 of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); Jones v. City of Los  
3 Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006).

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed September 4, 2009, is adopted in full; and
- 6 2. Plaintiff's motions for a preliminary injunction, filed June 3, 2009, and June 8, 2009,  
7 are DENIED as moot.

8  
9 IT IS SO ORDERED.

10 **Dated: October 26, 2009**

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