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

KELVIN X. SINGLETON,

1:08-cv-00095-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 44.)

vs.

A. HEDGEPATH, et al.,

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF
(Doc. 38.)

Defendants.

_____ /

Kelvin X. Singleton (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 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 Rule 72-302.

On March 26, 2010, [findings and recommendations](#) were entered, recommending that plaintiff's motion for preliminary injunctive relief, filed on November 9, 2009, be denied. (Doc. 44.) On April 22, 2010, plaintiff filed [objections](#) to the findings and recommendations. (Doc. 57.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, 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 proper analysis. As explained by the Magistrate Judge, this action concerns events occurring between May 2, 2006 and January 18, 2008. The pending motion concerns Defendants’ current failure to provide

1 Plaintiff with eye glasses. A district court should not issue an injunction when the injunction deals
2 with matters outside the lawsuit's issues. See Kaimowitz v. Orlando, Fla., 122 F.3d 41, 43 (11th
3 Cir.1997); Devose v. Herrington, 42 F.3d 470, 471 (8th Cir.1994) (per curiam). Further, a party
4 seeking a preliminary injunction must demonstrate that the party is likely to succeed on the merits,
5 that the party is likely to suffer irreparable harm in the absence of preliminary relief, that the balance
6 of equities tips in the party's favor, and that an injunction is in the public interest. Winter v. Natural
7 Res. Def. Council, Inc., – U.S. – , 129 S.Ct. 365, 374 (2008); National Meat Ass'n v. Brown, 599
8 F.3d 1093, 1097 (9th Cir. 2010). The court finds Plaintiff has not met this standard.

9 Accordingly, THE COURT HEREBY ORDERS that:

- 10 1. The Findings and Recommendations issued by the Magistrate Judge on March
11 26, 2010, are adopted in full; and
- 12 2. Plaintiff's motion for preliminary injunctive relief, filed on November 9, 2009,
13 is DENIED.

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15 IT IS SO ORDERED.

16 **Dated:** May 26, 2010

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