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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERTO A. SOTELO,

CASE NO. 1:08-cv-01342-LJO-SMS PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION

v.

T. BIRRING, et al.,

(Doc. 30, 32, 33)

Defendants.

Plaintiff Roberto A. Sotelo, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 10, 2008. This action is proceeding on Plaintiff’s amended complaint, filed February 24, 2009, against Defendants Biring, Das, Diep, and Coleman for acting with deliberate indifference to Plaintiff’s medical needs, in violation of the Eighth Amendment. 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 November 1, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) which recommended denial of Plaintiff’s Motion for a Preliminary Injunction. Plaintiff was provided thirty days within which to file an Objection, but none was filed.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 1, 2010, is adopted in full; and
2. Plaintiff's Motion for a Preliminary Injunction, filed July 15, 2010, is DENIED, without prejudice, for lack of jurisdiction.

IT IS SO ORDERED.

Dated: January 4, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE