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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

Plaintiff,

v.

DERRAL ADAMS, et al.,

Defendants.

CASE NO. 1:09-cv-00205-LJO-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN PART TO DENY
PLAINTIFF’S REQUEST FOR PRELIMINARY
INJUNCTIVE RELIEF

(Doc. 46, 84)

Plaintiff Barry Louis Lamon is a state prisoner proceeding pro se and in forma pauperis 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 302.

On February 1, 2011, the Magistrate Judge filed a Findings and Recommendations herein recommending that Plaintiff’s request for preliminary injunctive relief be denied.¹ (Doc. 84.) The Findings and Recommendations were served on the parties and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days. Though objections were filed, neither party objected to the portion of the Findings and Recommendations to deny Plaintiff’s request for preliminary injunctive relief.

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

¹ In that same findings and recommendations a motion for summary judgment filed by Defendants was addressed. However, the part of the findings and recommendation addressing that motion for summary judgment has been vacated (Doc. 102) and it is noted that dispositive motions will be addressed subsequent to re-screening and resolution of discovery issues by the Magistrate Judge (Doc. 109).

1 Findings and Recommendations to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed February 1, 2011 (Doc. 84), is adopted
4 in part;
- 5 2. Plaintiff's request for preliminary injunctive relief is denied²; and
- 6 3. The case is referred back to the Magistrate Judge for further proceedings.

7 IT IS SO ORDERED.

8 **Dated:** May 3, 2011

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

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² The part of the Findings and Recommendations addressing the defense motion for summary judgment need not be reached at this time.