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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GERALD A. WEST,

CASE NO. 1:09-cv-01277-LJO-GBC (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION DENYING  
PLAINTIFF'S MOTION FOR INJUNCTIVE  
RELIEF AND ORDER DENYING  
PLAINTIFF'S REQUEST TO DISMISS HIS  
REQUEST FOR INJUNCTIVE RELIEF

v.

FEDERAL BUREAU OF PRISONS, etal,

Defendants.

\_\_\_\_\_/ (ECF Nos. 40 & 47)

**ORDER**

Plaintiff Gerald A. West ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action. This action proceeds on Plaintiff's Third Amended Complaint, filed August 27, 2010, against Defendants Doe 1, Doe 2, and Doe 3 for failure to protect in violation of the Eighth Amendment. (ECF Nos. 25 & 27.)

Plaintiff filed a Motion for Injunctive Relief on March 24, 2011. (ECF No. 32.) In it, Plaintiff appears to describe the facts of this action, subsequent altercations, retaliation, and due process violations, among other things.

1 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C.  
2 § 636(b)(1)(B) and Local Rule 302. On June 24, 2011, the Magistrate Judge filed a  
3 Findings and Recommendation recommending that Plaintiff's Motion for injunctive relief  
4 be denied. (ECF No. 40.) The Magistrate Judge found that Plaintiff failed to meet the legal  
5 prerequisites for injunctive relief and described different causes of actions in different  
6 institutions not being dealt with here. Plaintiff failed to file an objection even after receiving  
7 an extension of time to do so. (ECF No. 46.) Instead, Plaintiff filed a Motion asking that  
8 the Court dismiss his request for injunctive relief. (ECF No. 47.) Plaintiff states that he  
9 intends to file an amended complaint and will include a request for injunctive relief with it.<sup>1</sup>  
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11  
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has  
13 conducted a de novo review of this case. Having carefully reviewed the entire file, the  
14 Court finds the Findings and Recommendation to be supported by the record and by  
15 proper analysis.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17  
18 1. The Findings and Recommendation, filed June 24, 2011, is ADOPTED;  
19 2. Plaintiff's Motion for Temporary Restraining Order is DENIED; and  
20 3. Plaintiff's Request to withdraw the Motion is DENIED.

21 IT IS SO ORDERED.

22 Dated: August 31, 2011

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

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26 <sup>1</sup> The Court notes that Plaintiff is free to file another request for injunctive relief or include a such  
27 a request in an amended complaint regardless of this Order.