

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCUS RUBEN ELLINGTON,

Plaintiff,

v.

CLARK, et al.,

Defendants.

CASE NO. 1:09-cv-02141-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR INJUNCTIVE RELIEF

(Docs. 15, 17)

_____ /

Plaintiff Marcus Ruben Ellington (“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 302.

On March 2, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within twenty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on March 15, 2010.

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

1 Magistrate Judge that Plaintiff cannot obtain an injunction in this action to remedy the violations of
2 settlement agreements made in other actions. Plaintiff has failed to meet his burden to show no
3 relief remains available in the other actions.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The [Findings and Recommendations](#), filed March 2, 2010, is adopted in full; and
- 6 2. Plaintiff's [motion](#) for injunctive relief, filed December 9, 2009, is denied.

7
8 IT IS SO ORDERED.

9 **Dated: March 31, 2010**

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