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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWIN MARRERO,

Plaintiff,

v.

J. ZARAGOZA, et al.,

Defendants.

CASE NO. 1:10-cv-509-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR PRELIMINARY INJUNCTION

(ECF Nos. 3 & 16)

Plaintiff Edwin Marrero, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). 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 December 27, 2010, the Magistrate Judge filed a Findings and Recommendation recommending that Plaintiff’s Motion for Preliminary Injunction be denied. (ECF No. 16.)

Plaintiff filed objections to the Findings and Recommendation. Plaintiff challenges the Magistrate Judge’s assertion that Plaintiff is actually seeking a mandatory injunction, and also argues that he has shown that he is likely to succeed on the merits of his case. In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, this Court has conducted a de novo review of this case and has explicitly considered the objections raised by Plaintiff. 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 Recommendation, filed December 27, 2010, is adopted in full;
2. Plaintiff's Motion for Preliminary Injunction is DENIED.

IT IS SO ORDERED.

Dated: February 3, 2011

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