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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY HOWARD,

CASE NO. 1:10-cv-01783-AWI-GBC (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION DENYING
PLAINTIFF'S MOTION FOR INJUNCTIVE
RELIEF

v.

J. WANG, et al.,

Defendants.

(ECF Numbers #23 & #25)

ORDER

Plaintiff Timothy Howard ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding on Plaintiff's First Amended Complaint, filed January 13, 2011. (ECF No. 16.)

On August 17, 2011, Plaintiff filed a motion seeking a temporary restraining order. (ECF No. 23.) In that Motion, Plaintiff requested that Defendants be required to provide adequate medical care. Specifically, Plaintiff alleged he has been deprived of medical care, medical appliances, and medication since August 21, 2009.

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 September 2, 2011, the Magistrate Judge filed a
3 Findings and Recommendation recommending that Plaintiff's Motion for Temporary
4 Restraining Order be denied. (ECF No. 25.) The Magistrate Judge found that Plaintiff
5 failed to meet the legal prerequisites for injunctive relief.¹ No objections were filed.
6

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has
8 conducted a de novo review of this case. Having carefully reviewed the entire file, the
9 Court finds the Findings and Recommendation to be supported by the record and by
10 proper analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

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- 13 1. The Findings and Recommendation, filed September 2, 2011, is ADOPTED;
 - 14 and
 - 15 2. Plaintiff's Motion for Temporary Restraining Order is DENIED.

16 IT IS SO ORDERED.

17 Dated: December 23, 2011

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19 CHIEF UNITED STATES DISTRICT JUDGE

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25 ¹ "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the
26 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of
27 equities tips in his favor, and that an injunction is in the public interest." Am. Trucking Ass'ns, Inc. v. City
of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting Winter v. Natural Res. Defense Council,
129 S.Ct. 365, 374 (2008)).