

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

NOKKUWA K. ERVIN,	CASE NO. 1:10-cv-01859-AWI-BAM PC
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION
v.	
CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,	(ECF Nos. 16, 23, 25)
Defendants.	

Plaintiff Nokkuwa K. Ervin (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983, filed this action on September 14, 2010. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff seeks temporary restraining orders and injunctions directing that his disabled permanent disability status be restored; he be issued orthopedic shoes, a cane, and an egg crate mattress; arrangements be immediately made for him to be examined by a qualified neurologist and he be provided with a prescription for pain management therapy and physical therapy. (First Amended Compl. 29-30, ECF No. 16.) Plaintiff also seeks a temporary restraining order and injunction prohibiting any further harassment of Plaintiff and directing that he be immediately released from administrative segregation. (*Id.* at 41-42.) On August 10, 2011, the Magistrate Judge filed findings and recommendations recommending that Plaintiff’s motions for injunctive relief be denied. (ECF No. 23.) Plaintiff filed objections to findings and recommendations on September 21,

1 2011. (ECF No. 23.) The Court has read and considered Plaintiff's objections.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
3 de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings
4 and recommendations to be supported by the record and by proper analysis. In the objections,
5 Plaintiff admits that the "eggcrate mattress", the only issue remaining in the pending motion has
6 been denied based on medical positions taken after 2002, when it was first issued, and 2006, when
7 it was taken away.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations, filed August 10, 2011, is adopted in full; and
10 2. Plaintiff's motion for injunctive relief, filed December 7, 2010 is DENIED.

11 IT IS SO ORDERED.

12 Dated: December 23, 2011

13 
14 _____
15 CHIEF UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28