

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

RIGOBERTO POLANCO,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

CASE NO. 1:11-cv-01421-BAM PC

ORDER DENYING PLAINTIFF’S MOTION FOR  
A TEMPORARY RESTRAINING ORDER

(ECF No. 23)

\_\_\_\_\_ /

Plaintiff Rigoberto Polanco (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The complaint in this action was filed on September 16, 2011, and is currently pending screening. On November 18, 2011, Plaintiff filed a motion for a temporary restraining order. Plaintiff does not state who a restraining order is sought against or what conduct is to be restrained. It appears from the pleading that Plaintiff is seeking a court hearing to address his concerns regarding the complaint before trial. As Plaintiff was previously informed in the order issued November 3, 2011, the Court does not find that a hearing is necessary at this stage of the proceedings. Plaintiff’s complaint will be screened in due time and an order will issue notifying Plaintiff of any further action required.

Accordingly, Plaintiff’s motion for a temporary restraining order is HEREBY DENIED.

IT IS SO ORDERED.

**Dated: November 22, 2011**

**/s/ Barbara A. McAuliffe**  
UNITED STATES MAGISTRATE JUDGE