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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RODNEY BROOKS,

Plaintiff,

v.

HAROLD TATE,

Defendant.

CASE NO. 1:11-cv-01503-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

ECF Nos. 15, 37

_____ /

Plaintiff Rodney Brooks is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant Harold Tate for retaliation in violation of the First Amendment and deliberate indifference to a serious medical need in violation of the Eighth Amendment. On August 9, 2012, Plaintiff filed a motion for preliminary injunction. ECF No. 15. 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 February 15, 2013, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. ECF No. 37. Plaintiff filed an Objection to the Findings and Recommendations on April 8, 2013. ECF No. 49.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed February 15, 2013, is adopted in full;
and
2. Plaintiff's motion for temporary restraining order and preliminary injunction, filed August 9, 2012, (Doc. No. 15) is denied.

IT IS SO ORDERED.

Dated: March 12, 2014



SENIOR DISTRICT JUDGE