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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EARL WARNER
Plaintiff,
v.
MATTHEW CATE, et al.,
Defendants.

CASE NO. 1:12-cv-1146-LJO-MJS (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER**
(ECF Nos. 46 and 52)
CASE TO REMAIN OPEN

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 10). This action proceeds on Plaintiff's Eighth Amendment failure to protect claim. (ECF No. 10). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On February 9, 2015, the Magistrate Judge issued Findings and Recommendations to deny Plaintiff's motion for a temporary restraining order. (ECF No. 46). Neither party filed objections, and the time for doing so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the 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 Court adopts the Findings and Recommendations (ECF No. 52), filed February 9, 2015, in full; and
2. Plaintiff's motion for a temporary restraining order (ECF No. 46), filed September 22, 2014, is DENIED.

IT IS SO ORDERED.

Dated: March 3, 2015

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

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