UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HORACE THOMAS, a.k.a Horace Bell, Plaintiff, v. S HEBERLING, et al., Defendants.	Case No.: 1:12-cv-01248-AWI-SAB (PC) ORDER DENYING PLAINTIFF'S SECOND MOTION FOR EMERGENCY RESTRAINING ORDER AND TRANSFER TO FEDERAL PROTECTIVE CUSTODY [ECF No. 99]

Plaintiff Horace Bell is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On May 4, 2015, Plaintiff filed a second motion for an emergency restraining order and transfer to federal protective custody. (ECF No. 99.)

Plaintiff submits that "this motion is based upon Plaintiff's initial motion and the records and files in this case, judicial notice is requested of those records and the files. For the reasons fully stated and to meet the ends of justice Plaintiff request the court grant the motion." (ECF No. 99.)

Plaintiff previously filed a motion for emergency restraining order and transfer to federal protective custody on February 9, 2015. (ECF No. 63.) Plaintiff's motion was denied on February 11, 2015, because "the Court lacks jurisdiction to issue an order prohibiting the California Department of Corrections and Rehabilitation from transferring Plaintiff to High Desert State Prison because such an order would not remedy the underlying legal claim, which involves Defendants' past conduct." (ECF

No. 64, Order at 2:5-9.) (citations omitted.) Because Plaintiff's second motion sets forth the same arguments and legal authority as the prior motion, it must be DENIED for the same reasons set forth in the February 11, 2015, order.

IT IS SO ORDERED.

Dated: May 28, 2015

SENIOR DISTRICT JUDGE