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

HORACE BELL  
Plaintiff,  
v.  
S. HEBERLING, et al.,  
Defendants.

Case No. 1:12-cv-01248-AWI-SAB  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DENYING PLAINTIFF’S MOTION FOR  
TEMPORARY RESTRAINING ORDER  
ORDER DENYING MOTION FOR COURT  
ORDERED PROPERTY  
(ECF Nos. 20, 21, 22.)

Plaintiff Horace Bell (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his original complaint on July 27, 2012. 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 April 10, 2013, Plaintiff filed a motion for a protective order, which the Court construed as a motion for a temporary restraining order. (ECF No. 20.) On April 12, 2013, the Magistrate Judge issued a findings and recommendations recommending to deny Plaintiff’s motion for lack of jurisdiction. (ECF No. 21.) On April 19, 2013, Plaintiff filed another similar motion seeking a Court order for the return of his property. (ECF No. 22.) Plaintiff filed objections to the findings and recommendations on April 25, 2013. (ECF No. 23.)

1 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this  
2 case. Having carefully reviewed the entire file, the Court finds the findings and recommendations  
3 to be supported by the record and by proper analysis. Plaintiff's objections to the findings and  
4 recommendations argues the merits for granting a temporary restraining order, but fails to address  
5 the jurisdictional issue.

6 Additionally, the Court denies Plaintiff's April 19, 2103 motion for property using the  
7 same analysis as the April 12, 2013 findings and recommendations. The events at issue in this  
8 action occurred in 2011 while Plaintiff was housed at California State Prison in Corcoran,  
9 California. Plaintiff is now housed at the High Desert State Prison in Susanville, California, and  
10 the order sought is aimed at remedying his current conditions of confinement at that prison. As  
11 discussed in the findings and recommendations, the Court does not have jurisdiction in this matter  
12 to address incidents at his current prison. The issue is not that Plaintiff's allegations are not  
13 serious or that Plaintiff is not entitled to relief if sought in the proper forum. The issue is that this  
14 action cannot be used by Plaintiff obtain the relief he seeks.

15 Accordingly, it is HEREBY ORDERED that:

- 16 1. The Court adopts the findings and recommendations filed on April 12, 2013, in  
17 full; Plaintiff's motion for preliminary injunctive relief filed April 10, 2013 is  
18 DENIED.
- 19 2. The Court denies Plaintiff's April 19, 2013 motion for property.

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22 IT IS SO ORDERED.

23 Dated: July 30, 2013

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SENIOR DISTRICT JUDGE