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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. PAYAN,)	1:13cv00807 LJO DLB PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DENYING
vs.)	PLAINTIFF’S MOTION FOR INJUNCTIVE
)	RELIEF
H. TATE, et al.,)	
)	(Document 35)
Defendants.)	

Plaintiff Michael J. Payan (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on May 28, 2013. Plaintiff filed a motion for injunctive relief on May 2, 2014. 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 August 26, 2014, the Magistrate Judge issued [Findings and Recommendations](#) that Plaintiff’s motion be denied. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty days. On October 1, 2014, Plaintiff filed [objections](#).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff’s

1 objections, the Court finds the Findings and Recommendations to be supported by the record and
2 by proper analysis.

3 The Magistrate Judge recommended that Plaintiff's motion be denied as moot because, in
4 his reply, Plaintiff admitted that the relief he sought was moot. Specifically, Plaintiff had
5 requested that he no longer be treated by Defendant Tate. However, because Plaintiff had been
6 transferred and was assigned to a new primary care doctor, his request was moot.

7
8 In his objections, Plaintiff argues that his request was not moot because the damage
9 caused by Defendants continues despite his transfer. He cites deficiencies in record-keeping and
10 argues that they are impacting his current health care needs. This does not change the fact,
11 however, that he is no longer receiving treatment from Defendant Tate. His request for relief
12 remains moot.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations, filed August 26, 2014, are adopted in full;
15 2. Plaintiff's motion for injunctive relief (Document 22) is DENIED.

16 IT IS SO ORDERED.

17 Dated: October 6, 2014

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