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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAVID ESTRADA,)	1:13cv00919 LJO DLB PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS
)	AND RECOMMENDATIONS AND
vs.)	DENYING PLAINTIFF’S MOTION FOR
)	INJUNCTIVE RELIEF
GIPSON, et al.,)	
)	(Document 46)
Defendants.)	

Plaintiff David Estrada (“Plaintiff”) is a state prisoner proceeding pro se and in forma Pauperis in this this civil action. Plaintiff filed his First Amended Complaint on August 7, 2013. This action is proceeding against (1) Defendants Gipson and Espinosa for retaliation in violation of the First Amendment; and (2) Defendants Gipson, Espinosa, Lambert and Cavazos for violation of the Eighth Amendment. On November 6, 2013, Plaintiff filed a Motion for Injunctive Relief. 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 December 4, 2013, 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 were to be filed within thirty days. Plaintiff filed [objections](#) on December 26, 2013.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
2 a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's
3 objections, the Court finds that the Findings and Recommendations are supported by the record
4 and by proper analysis.

5 Plaintiff's objections do not warrant departure from the Magistrate Judge's Findings and
6 Recommendations. The Magistrate Judge explained that Plaintiff cannot remedy a wide variety
7 of unrelated alleged wrongs involving numerous staff members, many of whom are not parties to
8 this action. Plaintiff's objections continue to raise numerous issues, including housing
9 assignments, improper custody designations, allegedly false reports, denial of due process and
10 improper medical treatment. Plaintiff continues to believe that staff is purposely taking actions
11 to place his life, and that of his family, in imminent danger.

12 The Court has explained to Plaintiff numerous times that injunctive relief cannot be used
13 to remedy alleged violations for incidents that are not at issue in this action.

14 Moreover, although Plaintiff believes that he is being housed around documented
15 enemies and is not being afforded due process, the exhibit he cites demonstrates that Plaintiff's
16 concerns were investigated and found to be untrue. The related report also indicates that Plaintiff
17 told staff that he had enemies that no one knew about yet, and he refused to further elaborate.
18 Plaintiff received a hearing on the related Rules Violation Report, with proper notice, an
19 opportunity to call witnesses and the benefit of a staff assistant.

20 The Court notes that at the time the Findings and Recommendations were issued, no
21 Defendant had appeared in the action and the Magistrate Judge based his decision, in part, on the
22 Court's absence of personal jurisdiction. Defendants Gipson, Espinosa and Lambert have
23 recently filed an extension of time to file a response, though their appearance does not alter the
24 other deficiencies in Plaintiff's request for injunctive relief.
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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed December 4, 2013, are ADOPTED in full;
2. Plaintiff's Motion for Protective Order (Document 39) is DENIED.

IT IS SO ORDERED.

Dated: January 14, 2014

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