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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	COREY MITCHELL,	No. 1:13-cv-01324-DAD-EPG
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, AND DENYING
14	CHAVEZ and SGT. SHELDON,	PLAINTIFF'S REQUEST FOR AN EMERGENCY RESTRAINING ORDER
15	Defendants.	(Doc. Nos. 54, 59)
16		(20011.05.0.,00)
17		
18	Plaintiff Corey Mitchell, is appeared <i>pro se</i> <sup>1</sup> and <i>in forma pauperis</i> in this civil rights	
19	action pursuant to 42 U.S.C. § 1983. Plaintiff is an inmate in the custody of the California	
20	Department of Corrections and Rehabilitation ("CDCR") and in his complaint has alleged a claim	
21	under the Eighth Amendment against defendants Chavez and Sergeant Sheldon for failure to	
22	protect plaintiff from a known risk of harm. Plaintiff declined magistrate judge jurisdiction, and	
23	this matter was therefore referred to a United States Magistrate Judge pursuant to 28 U.S.C. §	
24	636(1)(B) and Local Rule 302.	
25	On November 1, 2016, the assigned magistrate judge issued findings and	
26	recommendations, recommending that plaintiff's motion for an emergency restraining order be	
27 28	Plaintiff appeared pro se at the time when he filed the documents relevant to this order. Since then, however, the court has issued an order appointing counsel on his behalf. ( <i>See</i> Doc. No. 73.)	

denied. (Doc. No. 59.) The findings and recommendations were served on plaintiff and contained notice that objections thereto were to be filed within twenty days. (Id.) The time to file objections to those findings and recommendations has passed, and no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendation to be supported by the record and by proper analysis.

- 1. The November 1, 2016 findings and recommendations (Doc. No. 59) are adopted in
- 2. Plaintiff's motion for an emergency restraining order (Doc. No. 54) is denied.

**January 6, 2017**