

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JOSHUA A. WILLARD,) Case No.: 1:14-cv-01951-AWI-SAB (PC)
12 Plaintiff,)
13 v.) ORDER ADOPTING FINDINGS AND
14 J. NEIBERT, et al.,) RECOMMENDATION, DENYING PLAINTIFF'S
15 Defendants.) MOTION FOR TEMPORARY RESTRAINING
16) ORDER
17) [ECF Nos. 3, 10]
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

17 Plaintiff Joshua A. Willard is appearing pro se and in forma pauperis in this civil rights action
18 pursuant to 42 U.S.C. § 1983.

19 On February 20, 2015, the Magistrate Judge issued Findings and Recommendations
20 recommending denial Plaintiff's motion for a temporary restraining order. (ECF No. 10.) The
21 Findings and Recommendations were served on Plaintiff and contained notice that objections were to
22 be filed within thirty days. Plaintiff filed objections on March 4, 2015.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de*
24 *novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and
25 Recommendations to be supported by the record and by proper analysis. In his objections, to the
26 extent Plaintiff complains of verbal threats by a certain defendant that is insufficient not sufficient to
27 state a cognizable section 1983 claim. Mere verbal harassment or abuse does not violate the
28 Constitution and, thus, does not give rise to a claim for relief under 42 U.S.C. § 1983. Oltarzewski v.

1 Ruggiero, 830 F.3d 136, 139 (9th Cir. 1987). Threats do not rise to the level of a constitutional
2 violation. Gaut v. Sunn, 810 F.2d 923, 925 (9th Cir. 1987).

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The Findings and Recommendations, filed on February 20, 2015, is adopted in full; and
- 5 2. Plaintiff's motion for a temporary restraining order is DENIED.

6
7 IT IS SO ORDERED.

8 Dated: March 11, 2015


9 SENIOR DISTRICT JUDGE