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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES,
Plaintiff,
v.
A. PODSAKOFF, et al.,
Defendants.

No. 1:15-cv-00924-DAD-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. Nos. 46, 47, 65, 66, 74)

Plaintiff Michael Gonzales is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action brought pursuant to 42 U.S.C. § 1983. 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 25, 2017, plaintiff filed a motion for entry of default. (Doc. No. 46.) On February 7, 2018, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motion be denied. (Doc. No. 65.) The parties were provided twenty-one days in which to file objections to those findings and recommendations. (*Id.* at 2.) To date, neither party has done so, and the time for filing objections has now passed.

On August 28, 2017, plaintiff filed a motion for a preliminary injunction. (Doc. No. 47.) On February 14, 2018, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motion be denied. (Doc. No. 66.) The parties were provided twenty-one days to file objections to those findings and recommendations. (*Id.* at 3.) On March

1 5, 2018, plaintiff filed a motion seeking reconsideration of the February 14, 2018 findings and
2 recommendations.¹ (Doc. No. 74.)

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
5 including plaintiff's objections, the court finds the findings and recommendations to be supported
6 by the record and proper analysis.

7 In his motion for a preliminary injunction, plaintiff claims that he is at risk of imminent
8 harm because defendants have begun involuntarily medicating him with antipsychotic drugs.
9 (Doc. No. 47 at 1.) Plaintiff seeks an injunction preventing them from doing so. (*Id.*) Plaintiff
10 argues that these drugs have caused him pain, and have also damaged the lining of his esophagus.
11 (*Id.*) In recommending denial of plaintiff's motion, the assigned magistrate judge noted that
12 plaintiff had not provided the court with a declaration from a qualified medical professional
13 explaining his medical condition, nor had plaintiff provided any basis upon which to conclude
14 that plaintiff himself was qualified to render a medical opinion. (Doc. No. 66 at 2.) In seeking
15 reconsideration of the findings and recommendations, plaintiff has provided the court with
16 medical records from an examination of his esophagus. (Doc. No. 74 at 10–12.) However, those
17 medical records provide no evidence that plaintiff is currently receiving antipsychotic
18 medications, and provide no support for the conclusion that plaintiff is at risk of any imminent
19 harm. Accordingly, the court finds no error with the conclusion reached by the magistrate judge
20 that plaintiff has not demonstrated likelihood of success on the merits of his claim.

21 CONCLUSION

22 For these reasons,

- 23 1. The findings and recommendations issued February 7, 2018 (Doc. No. 65) are
24 adopted in full;
- 25 2. Plaintiff's motion for an entry of default (Doc. No. 46) is denied:

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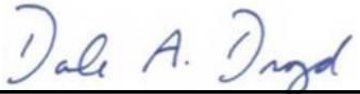
27 ¹ The court construes this motion for reconsideration as an objection to those findings and
28 recommendations.

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- 3. The findings and recommendations issued February 14, 2018 (Doc. No. 66) are adopted in full;
- 4. Plaintiff's motion for a preliminary injunction (Doc. No. 47) is denied;
- 5. Plaintiff's motion for reconsideration (Doc. No. 74) is denied; and
- 6. This case is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: March 19, 2018


UNITED STATES DISTRICT JUDGE