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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL ANTONIO GONZALEZ,
Plaintiff,
v.
J. RAZO, et al.,
Defendants.

1:15-cv-01098-DAD-EPG (PC)
FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF’S
MOTION FOR A PRELIMINARY
INJUNCTION BE DENIED AS MOOT
(ECF NO. 34)
ORDER DIRECTING CLERK OF COURT TO
SEND PLAINTIFF A COPY OF FINDINGS
AND RECOMMENDATIONS
OBJECTIONS, IF ANY, DUE WITHIN
TWENTY-ONE DAYS

Manuel Antonio Gonzalez (“Plaintiff”) is a state prisoner, and is the plaintiff in this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes attendant state law claims.

On January 3, 2017, Plaintiff filed what the Court construes as a motion for a preliminary injunction (“the Motion”). (ECF No. 34). According to the Motion, Plaintiff requested a hardship transfer because his father is dying. The I.C.C. committee approved a hardship transfer to R.J. Donovan (Plaintiff’s first choice), C.S.P. Los Angeles, or Calipatria State Prison. However, the C.S.R., D. Hicinbothon, processed a transfer to High Desert State Prison, where Plaintiff would never see his dying father again. Plaintiff believes that this transfer is being done

1 in retaliation for his ongoing civil case. Plaintiff requests that the Court stop the transfer to High
2 Desert State Prison, and order that Plaintiff instead be transferred to R.J. Donovan, C.S.P. Los
3 Angeles, or Calipatria State Prison.

4 The Court will recommend that Plaintiff's motion be denied as moot. A recent filing by
5 Plaintiff (ECF No. 41) indicates that Plaintiff was transferred to R.J. Donovan (his first choice),
6 not High Desert State Prison.

7 Accordingly, based on the foregoing, **IT IS HEREBY RECOMMENDED** that the
8 Motion be DENIED as moot.

9 These Findings and Recommendations will be submitted to the United States District Court
10 Judge assigned to this action pursuant to the provisions of 28 U.S.C. § 636 (b)(1). Within
11 **twenty-one (21) days** after being served with a copy of these Findings and Recommendations,
12 any party may file written objections with the court and serve a copy on all parties. Such a
13 document should be captioned "Objections to Magistrate Judge's Findings and
14 Recommendations." Any reply to the objections shall be served and filed within **ten (10) days**
15 after service of the objections. The parties are advised that failure to file objections within the
16 specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834,
17 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18 Additionally, IT IS ORDERED that the Clerk of Court is directed to send Plaintiff a copy
19 of these findings and recommendations.

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21 IT IS SO ORDERED.

22 Dated: February 21, 2017

23 /s/ Eric P. Gray
24 UNITED STATES MAGISTRATE JUDGE
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