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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GARY RAY BETTENCOURT,  
Plaintiff,  
v.  
L. PARKER, et al.,  
Defendants.

No. 1:16-cv-00150-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
MOTION FOR PRELIMINARY  
INJUNCTION

(Doc. Nos. 5, 12)

Plaintiff Gary Ray Bettencourt is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff declined to consent to magistrate judge jurisdiction over this action for all purposes (Doc. No. 9), and the matter was therefore referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

On February 29, 2016, plaintiff filed a motion for preliminary injunction against defendants L. Parker, DDS; H. Crooks, DDS; and L. Guzman, a dental assistant. (Doc. No. 5.) Therein plaintiff asserted that all of his claims are true, and these defendants should be arrested for criminal prosecutions, and their wages should be garnished for disfiguring Plaintiff's healthy teeth. (*Id.*) The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

1 On August 4, 2016, the assigned magistrate judge issued findings and recommendations,  
2 recommending that defendants' motion for a preliminary injunction be denied. (Doc. No. 12.)  
3 The findings and recommendations were served on plaintiff and contained notice that any  
4 objections thereto must be filed within fourteen days of the date of service of that order. (Doc.  
5 No. 12 at 3.) Plaintiff timely filed objections on August 18, 2016. (Doc. No. 13.)

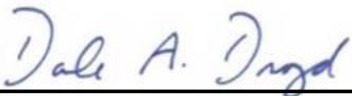
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
7 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's  
8 objections, the court finds that the findings and recommendations are supported by the record and  
9 proper analysis.

10 The nature of plaintiff's objections to the findings and recommendations is unclear to the  
11 undersigned. It appears possible plaintiff is concerned the magistrate judge was recommending  
12 dismissal of this case. (Doc. No. 13 at 1, 3.) If that is the concern, plaintiff is mistaken, as the  
13 magistrate judge recommended in the findings and recommendation only that plaintiff's motion  
14 for preliminary injunction be denied. As explained by the magistrate judge, it is true that  
15 plaintiff's complaint, or any portion thereof, is subject to dismissal if it is frivolous, malicious, or  
16 fails to state a claim upon which relief may be granted, or if it seeks monetary relief from a  
17 defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1)–(2); 28 U.S.C. §  
18 1915(e)(2)(B)(i)–(iii). However, plaintiff's complaint has not yet been screened to determine  
19 whether it is subject to dismissal. The complaint will be screened in due course. Plaintiff's  
20 action is not being dismissed at this time. The undersigned is not persuaded by plaintiff's  
21 objections, and agrees with the magistrate judge's analysis.

22 Accordingly, the findings and recommendations issued August 4, 2016 (Doc. No. 12) are  
23 adopted in full and plaintiff's motion for a preliminary injunction (Doc. No. 5) is denied.

24 IT IS SO ORDERED.

25 Dated: September 13, 2016

26   
UNITED STATES DISTRICT JUDGE