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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICO J. QUIROGA III,
Plaintiff,
v.
SERGEANT GRAVES, *et al.*,
Defendants.

No. 1: 16-cv-00234-DAD-GSA

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF

(Doc. Nos. 41, 42)

Plaintiff Monico J. Quiroga III (“plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action 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 July 31, 2018, findings and recommendations were entered, recommending that plaintiff’s motion for preliminary injunctive relief be denied as moot. (Doc. No. 42.) The court construes plaintiff’s motion as requesting preliminary injunctive relief against the Kern County Sheriffs’ Department, but as discussed in the magistrate judge’s findings and recommendations, plaintiff is currently in the custody of the California Department of Corrections and Rehabilitation at High Desert State Prison in Susanville, California. (*Id.* at 2.) As concluded in the findings and recommendations, because plaintiff is no longer in the custody of the Kern County Sheriffs’ Department, his motion for a preliminary injunction has been rendered moot. (*Id.*)

1 The findings and recommendations were served on plaintiff and contained notice that
2 objections were to be filed within fourteen (14) days. (*Id.* at 3.) On August 9, 2018, plaintiff
3 filed objections. (Doc. No. 43.)

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
5 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
6 including plaintiff's objections, the court finds the findings and recommendations to be supported
7 by the record and proper analysis. Plaintiff's objections do not respond to the findings and
8 recommendations, but instead merely assert that the court has jurisdiction over this action. (Doc.
9 No. 43.)

10 Accordingly,

- 11 1. The findings and recommendations issued by the magistrate judge on July 31,
12 2018 (Doc. No. 42) are adopted; and
- 13 2. Plaintiff's motion for preliminary injunctive relief (Doc. No. 41), filed on July 26,
14 2018, is denied; and
- 15 3. This matter is referred back to the assigned magistrate judge for further
16 proceedings consistent with this order.

17 IT IS SO ORDERED.

18 Dated: October 6, 2018

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21 UNITED STATES DISTRICT JUDGE
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