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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,

Plaintiff,

v.

DAVEY, et al.,

Defendants.

Case No. 1:16-cv-00399 LJO DLB PC

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR TEMPORARY
RESTRAINING ORDER**

(Document 21)

Plaintiff Stewart Manago (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis,¹ filed this civil rights action on March 24, 2016. The action is proceeding on Plaintiff’s First Amendment retaliation claim against Defendants Davey, Sexton, Vander Poel, Maxfield, Valdez, Acevedo and Razo. Defendants have not yet been served.

Plaintiff filed a motion for a temporary restraining order on May 4, 2016. 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 May 11, 2016, the Magistrate Judge issued Findings and Recommendations that Plaintiff’s motion be denied. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within twenty-one (21) days. Plaintiff filed objections on June 3, 2016.

¹ Plaintiff is subject to 28 U.S.C. § 1915(g), but the Court determined that the allegations in his complaint met the imminent danger exception and permitted him to proceed in forma pauperis.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
2 novo review of this case. Having carefully reviewed the entire file, including Plaintiff’s objections,
3 the Court finds that the Findings and Recommendations are supported by the record and proper
4 analysis.

5 Plaintiff’s request for emergency injunctive relief is related to Defendant Davey and
6 Maxfield’s alleged retaliatory transfer back to California State Prison- Sacramento, C Yard, where he
7 has documented enemies. He appears to seek an order reversing this transfer, as well as a hearing to
8 “secure additional testimony.” ECF No. 18, at 7.

9 However, as the magistrate judge explained in the Findings and Recommendations, the
10 Court’s jurisdiction is limited to Plaintiff’s claim arising from an alleged retaliatory retention in the
11 SHU at Corcoran State Prison. Thus, Plaintiff’s request related to his transfer is beyond the scope of
12 the Court’s jurisdiction in this action.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations, filed May 11, 2016, are adopted in full; and
 - 15 2. Plaintiff’s motion for a temporary restraining order (Document 18) is DENIED.
- 16 IT IS SO ORDERED.

17 Dated: June 6, 2016

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE