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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DALLAS JOSHUA JAMES MYERS,	)	Case No.: 1:16-cv-00638-AWI-SAB (PC)
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
v.	)	RECOMMENDATIONS, DENYING PLAINTIFF’S
L. PULIDO,	)	MOTION FOR INJUNCTIVE RELIEF
Defendant.	)	(ECF Nos. 52, 56, 57)
	)	
	)	
	)	

Plaintiff Dallas J. Myers is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 14, 2017, the parties stipulated to a voluntary dismissal of this action, and thus this matter was terminated and dismissed with prejudice. Fed. R. Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). (ECF Nos. 48, 49.)

On June 30, 2017, Plaintiff filed a motion seeking an order requiring prison officials at Mule Creek State Prison to give him back his legal property. (ECF No. 52.) Plaintiff contended that when he was returned to that institution from court, he was told it could take up to 30 days for him to receive all of his property. Plaintiff sought an order directing that he receive all of his property immediately. On July 12, 2017, Plaintiff filed a notice stating that his property had not yet been returned. (ECF No. 56.)

On July 13, 2017, the assigned Magistrate Judge issued an order construing Plaintiff’s request as a motion seeking preliminary injunctive relief, and recommending the motion be denied. The magistrate judge found that Plaintiff had shown no immediate need or impending harm from the normal return of his property, and thus no basis for the Court to interfere with the correctional

1 institution's administration of the delivery of Plaintiff's property in this closed case. (ECF No. 57.)  
2 Plaintiff was given fourteen days to file objections. More than fourteen days have passed, and no  
3 objections were filed.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the Court  
5 has conducted a *de novo* review of Plaintiff's case. The Court finds the findings and recommendations  
6 to be supported by the record and by proper analysis.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. The findings and recommendations filed on July 13, 2017 (ECF No. 57) are adopted in  
9 full; and,
- 10 2. Plaintiff's motion seeking an order requiring prison officials at Mule Creek State Prison  
11 to give him back his legal property (ECF No. 52) is DENIED.

12  
13 IT IS SO ORDERED.

14 Dated: September 18, 2017

  
SENIOR DISTRICT JUDGE