

1 In his objections plaintiff contends that the magistrate judge misinterpreted his allegation
2 that the he told defendants that the Tylenol 3 they were giving him had caused him harm before
3 and was doing so again. (Doc. No. 48 at 1.) Specifically, plaintiff alleges that the first sentence
4 of the magistrate judge's summary of his complaint inaccurately frames his allegation. (*Id.*) The
5 sentence in the findings and recommendations that plaintiff objects to states: "Plaintiff's
6 complaint alleged that Dr. Kokor and Nurse Stronach continued to prescribe Plaintiff Tylenol 3
7 for ankle pain despite knowing that it did not alleviate his pain but instead caused adverse side
8 effects." (Doc. No. 47 at 3.) Plaintiff asserts that this is inaccurate because he informed the
9 medical staff that the Tylenol 3 harmed him while he was imprisoned in 2007. (Doc. No. 48 at
10 1.) The distinction drawn by plaintiff is of no consequence and does not call into question the
11 magistrate judge's conclusions that the court should not substitute its judgment for that of trained
12 medical personnel and that plaintiff has failed to make an adequate showing in support of his
13 motion for injunctive relief.¹

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the
15 court has conducted a *de novo* review of plaintiff's request. The court finds the findings and
16 recommendations to be supported by the record and by proper analysis. Plaintiff has failed to
17 make the required showing that he is entitled to injunctive relief.

18 Accordingly:

- 19 1. The findings and recommendations filed on September 26, 2017 (Doc. No. 47) are
20 adopted in full; and
- 21 2. Plaintiff's motion for a preliminary injunction and temporary restraining order (Doc. No.
22 38) is denied.

23 IT IS SO ORDERED.

24 Dated: December 10, 2017

25 
UNITED STATES DISTRICT JUDGE

26
27 ¹ Moreover, plaintiff states in his objections that he no longer requires injunctive relief because
28 he has been scheduled for surgery. (Doc. No. 48 at 2.) Thus, it appears that plaintiff may be
withdrawing his motion for injunctive relief and/or it has been rendered moot.

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