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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN K. TOSCANO,
Plaintiff,
v.
DAVE DAVEY, et al.,
Defendants.

No. 1:16-cv-01369-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
MOTION FOR PRELIMINARY
INJUNCTION

(Doc. No. 11, 14)

Plaintiff, Benjamin Toscano, is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 20, 2017, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion regarding transfer, construed by the court as a motion for a preliminary injunction, be denied. (Doc. No. 14.) The findings and recommendations were served upon plaintiff and contained notice that any objections thereto were to be filed within thirty days from the date of service of the findings and recommendations. (*Id.*)

On April 6, 2017, plaintiff filed objections to the findings and recommendations. (Doc. No. 16.) Plaintiff objects to the referral of this matter to the assigned magistrate judge, and contends that the magistrate judge is acting in violation of the State Bar Act, Rules of Professional Conduct, and is committing a fraud upon the court. Plaintiff’s objections are

1 meritless. Plaintiff apparently fails to understand that this matter was referred to the assigned
2 magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. In his objections
3 plaintiff also discusses the merits of his case and of a related case, but does not provide any
4 grounds upon which the magistrate judge's findings and recommendations should be rejected.

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

9 Accordingly,

- 10 1. The March 20, 2017 findings and recommendations (Doc. No. 14) are adopted in full;
11 and
- 12 2. Plaintiff's motion regarding transfer, construed as a motion for a preliminary
13 injunction (Doc. No. 11), is denied.

14 IT IS SO ORDERED.

15 Dated: September 12, 2017

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18 UNITED STATES DISTRICT JUDGE
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