

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,  
Plaintiff,  
v.  
C. RELEVANTE, et al.,  
Defendants.

No. 1:16-cv-01741-NONE-HBK (PC)

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

(Doc. Nos. 180, 184)

Plaintiff Mark Tony Asberry (“Asberry”) is proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302

On January 7, 2020, plaintiff Asberry moved for “injunctive relief.” (Doc. No. 180). However, in the body of that motion plaintiff merely requested “that the court take any action other than to take notice of the seriousness of what plaintiff is alleging.” (*Id.* at 13). Plaintiff later moved for a “preliminary injunction” and “temporary restraining order” seeking relocation to administrative segregation in order to protect himself from his fellow inmates and his prison’s guards. (Doc. No. 184).

On August 31, 2020, the assigned magistrate judge issued findings and recommendations recommending Asberry’s motions be denied. (Doc. No. 198.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were

1 to be filed within thirty (30) days after service. (*Id.*) To date, no objections to the findings and  
2 recommendations have been filed, and the time in which to do so has now passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly,

- 7 1. The findings and recommendations issued on August 31, 2020 (Doc No. 198) are  
8 adopted in full; and
- 9 2. Plaintiff's motions for injunctive relief (Doc. Nos. 180, 184) are denied.

10 IT IS SO ORDERED.

11 Dated: March 8, 2021

12   
13 \_\_\_\_\_  
14 UNITED STATES DISTRICT JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28