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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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

No. 16-cv-01741-DAD-MJS

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTIONS FOR A TEMPORARY
RESTRAINING ORDER, PRELIMINARY
INJUNCTION, AND COURT ORDERS

(Doc. Nos. 20, 24, 42, 59, 62, 64, 68)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought 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.

Plaintiff has filed numerous motions that may be characterized as requests for various forms or for injunctive relief. (Doc. Nos. 20, 24, 42, 59.) On September 12, 2017, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for a temporary restraining order and preliminary injunction be denied. (Doc. No. 62.) Plaintiff was provided fourteen days to file objections to those findings and recommendations. (*Id.*) Although untimely, plaintiff did so on October 10, 2017. (Doc. No. 70.)

Also, on September 12, 2017, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for a court order directing non-parties to

1 allow plaintiff access to his medical file be denied. (Doc. No. 64.) Plaintiff was provided
2 fourteen days to file objections to those findings and recommendations. (*Id.*) Plaintiff did so on
3 September 26, 2017. (Doc. No. 69.)

4 On September 20, 2017, the assigned magistrate judge issued findings and
5 recommendations recommending that plaintiff's motion for a court order directing non-parties to
6 assist him with discovery and prison law library access be denied. (Doc. No. 68.) Plaintiff was
7 provided fourteen days to file objections to those findings and recommendations. (*Id.*) To date,
8 plaintiff has filed no objections to those findings and recommendations, and the time for doing so
9 has passed.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
11 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
12 objections, the court finds the findings and recommendations to be supported by the record and
13 by proper analysis.

14 The court finds plaintiff's objections to lack merit. Regarding plaintiff's objections to the
15 September 12, 2017 findings and recommendations (Doc. No. 70), the court agrees with the
16 assigned magistrate judge that plaintiff seeks injunctive relief against individuals who are not
17 parties to the present lawsuit. This action is one brought against individuals employed at Kern
18 Valley State Prison. However plaintiff in his motion seeks an injunction against individuals
19 employed at R.J. Donovan Correctional Facility, where plaintiff is now housed. To the extent
20 plaintiff seeks to enjoin these non-parties, he must do so by pursuing a separate action. Plaintiff's
21 objections to the September 12, 2017 findings and recommendations (Doc. No. 69) suffer the
22 same deficiency.

23 For these reasons:

- 24 1. The findings and recommendations filed September 12, 2017 (Docs. 62, 64) and
25 September 20, 2017 (Doc. 68) are adopted in full;
- 26 2. Plaintiff's motions for court orders (Docs. 20, 24) are denied;
- 27 3. Plaintiff's motion for temporary restraining order and preliminary injunction (Doc.
28 42) is denied; and

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4. Plaintiff's "Motion to have meaningful access to court to conduct discovery" (Doc. 59) is denied.

IT IS SO ORDERED.

Dated: December 2, 2017


UNITED STATES DISTRICT JUDGE