

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10

11 JAMES MILLNER,

12 Plaintiff,

13 v.

14 DR. DILEO, et al.,

15 Defendants.
16
17

Case No. 1:17-cv-00507-AWI-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER

[ECF Nos. 7, 15]

18 Plaintiff James Millner is a state prisoner appearing *pro se* in this civil rights action
19 pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's claim for deliberate
20 indifference to a serious medical need based on a delay in wrist surgery against Defendants Dr.
21 Larry Dileo, Dr. Ulit, Chief Physician Spaeth, and the Chief Medical Examiner.

22 On May 8, 2017, Plaintiff filed a motion for a temporary restraining order and
23 preliminary injunction. (ECF No. 7.) Plaintiff asserted that he continues to be denied appropriate
24 medical care, and he seeks an order requiring that he immediately receive surgery.

25 On September 13, 2017, the Court directed the Attorney General to make a special
26 appearance on behalf of the unserved Defendants. (ECF No. 9.) On September 26, 2017, the
27 Attorney General filed an opposition to Plaintiff's motion on behalf of the unserved Defendants
28 on a special limited appearance. (ECF No. 10.)

1 On October 23, 2017, the Magistrate Judge filed Findings and Recommendations
2 recommending that Plaintiff's motion for a temporary restraining order and a preliminary
3 injunction be denied. (ECF No. 15.) The Findings and Recommendations were served on
4 Plaintiff and contained notice that objections were to be filed within thirty days. (*Id.* at 5-6.)
5 More than thirty days have passed, and no objections were filed.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
7 de novo review of this case. Having carefully reviewed the entire file, the Court finds the
8 Findings and Recommendations to be supported by the record and by proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The Findings and Recommendations entered on October 23, 2017 (ECF No. 15)
11 are adopted in full; and

12 2. Plaintiff's motion for a temporary restraining order and a preliminary injunction,
13 filed on May 8, 2017 (ECF No. 8), is denied.

14 IT IS SO ORDERED.

15 Dated: December 19, 2017

16 
17 SENIOR DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28