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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MITCHELL GARRAWAY,
Plaintiff,
v.
JACQUELINE CIUFO, et al.,
Defendants.

No. 1:17-cv-00533-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING MOTION
FOR INJUNCTIVE RELIEF

(Doc. Nos, 79, 83)

Plaintiff Mitchell Garraway is a federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to *Bivens vs. Six Unknown Agents*, 403 U.S. 388 (1971). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This case now proceeds on plaintiff’s original complaint filed April 17, 2017, against defendants Jacqueline Ciufo (Unit Manager), K. Miller (Corrections Officer), and Lieutenant J. Zaragoza) for failure to protect plaintiff in violation of the Eighth Amendment. (Doc. No. 1.) On July 23, 2019, plaintiff filed a motion for temporary restraining order (Doc. No. 79), which the court construed as a request for preliminary injunctive relief. Therein, plaintiff seeks a court order compelling officers at the United States Penitentiary (USP)-Coleman in Coleman, Florida to refrain from tampering with his mail, remove his name from the “SIS/SIA” list, release his mail

1 to him, permit him to purchase stamps during lockdowns, designate mailroom staff to make daily
2 rounds to pick up his legal and special mail and enter it into a mail room log book in his presence,
3 ensure that he receives daily showers during all lockdowns, and transfer him to a different BOP
4 facility to prevent retaliation against him. (Doc. No. 79 at 4.) Defendants filed their opposition to
5 plaintiff's motion on July 25, 2019. (Doc. No. 81.)

6 On July 29, 2019, the assigned magistrate judge issued findings and recommendations,
7 recommending that plaintiff's request for preliminary injunctive relief be denied because the
8 court lacks jurisdiction over individuals who are not parties to this action. (Doc. No. 83 at 2-3.)
9 The findings and recommendations were served on the parties and contained notice that any
10 objections thereto were to be filed within fourteen days after service. (*Id.* a 3.) To date, no
11 objections to the findings and recommendations have been filed, and the time in which to do so
12 has now passed.

13 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Local Rule 304, this
14 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
15 court finds the findings and recommendations to be supported by the record and proper analysis.

16 Accordingly,

- 17 1. The findings and recommendations issued on July 29, 2019 (Doc. No. 83) are adopted
18 in full; and
- 19 2. Plaintiff's motion for preliminary injunctive relief filed on July 23, 2019 (Doc. No.
20 79) is denied.

21 IT IS SO ORDERED.

22 Dated: October 30, 2019

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25 UNITED STATES DISTRICT JUDGE
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