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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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10 DANIEL AVILA,

11 Plaintiff,

12 vs.

13 JERRY BROWN, et al.,

14 Defendants.  
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) Case No.: 1:17-cv-01328-LJO-BAM (PC)

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

) (Doc. Nos. 10, 12, 14)

17 Plaintiff Christopher Lipsey is a state prisoner proceeding *pro se* and *in forma pauperis* in  
18 this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States  
19 Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

20 Along with his first amended complaint, Plaintiff filed a motion for emergency relief in  
21 this action. (Doc. No. 10, at 6-9.) On March 16, 2018, Plaintiff also filed a motion for a  
22 preliminary injunction. (Doc. No. 12.) Both motions sought an injunction requiring prison  
23 officials to allow him to exchange his black ink pen fillers once per day, and to allow him to  
24 possess all of his paper-based legal materials.

25 On April 17, 2018, the Magistrate Judge issued findings and recommendations  
26 recommending that these motions be denied. (Doc. No. 14.) The findings and recommendations  
27 were served on Plaintiff and contained notice that any objections must be filed within thirty days.  
28 (*Id.* at 3.) That deadline has passed, and no objections were filed.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations, dated April 17, 2018 (Doc. No. 14), are  
6 adopted in full;
- 7 2. Plaintiff's motion for emergency relief (Doc. No. 10, at 6-9) is denied; and
- 8 3. Plaintiff's motion for an order to show cause for a preliminary injunction (Doc.  
9 No. 12) is denied.

10  
11 IT IS SO ORDERED.

12 Dated: July 7, 2018

/s/ Lawrence J. O'Neill  
UNITED STATES CHIEF DISTRICT JUDGE