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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SAM DRAKE,) Case No.: 1:17-cv-01500-AWI-SAB (PC)
)
 Plaintiff,)
)
 v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, AND DENYING
) PLAINTIFF’S MOTION FOR APPOINTMENT
) OF COUNSEL AND REQUEST FOR
) INJUNCTIVE RELIEF
 SCOTT KERNAN, et al.,)
)
 Defendants.)
) [ECF Nos. 71, 72]
)

Plaintiff Sam Drake is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 8, 2019, the Magistrate Judge issued Findings and Recommendations recommending that Plaintiff’s request for appointment of counsel and injunctive relief be denied. (ECF No. 72.) The Findings and Recommendations were served on the parties and contained notice that objections were due within fourteen (14) days. (*Id.*) Plaintiff filed objections on October 31, 2019. (ECF No. 79.) In his objections, Plaintiff argues that the Magistrate Judge failed to consider his request for appointment of investigator and improperly construed his request as seeking appointment of counsel. Plaintiff is advised that the expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress. See Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989). The in forma pauperis statute does not authorize the expenditure of public funds for the purpose sought by Plaintiff in the instant request.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de*
2 *novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections,
3 the Court finds the Findings and Recommendations to be supported by the record and by proper
4 analysis.

5 Based on the foregoing, it is HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued on October 8, 2019, are adopted in full;
- 7 2. Plaintiff's request for appointment of an investigator and/or counsel is DENIED; and
- 8 3. Plaintiff's request for a preliminary injunction is DENIED.

9
10 IT IS SO ORDERED.

11 Dated: November 6, 2019


12 SENIOR DISTRICT JUDGE