1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ANTHONY R. TURNER, No. 1:18-cv-01574-DAD-GSA 12 Plaintiff. 13 v. ORDER ADOPTING FINDINGS AND 14 EDMUND G. BROWN, JR., et al., PLAINTIFF'S REQUESTS FOR PRELIMINARY INJUNCTIVE RELIEF AS 15 Defendants. MOOT 16 (Doc. Nos. 9, 13, 18, 19) 17 18 19 Plaintiff Anthony R. Turner is a state prisoner proceeding pro se and in forma pauperis 20 with this civil rights case brought pursuant to 28 U.S.C. § 1983. The matter was referred to a 21 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 22 On November 30, 2018, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's request for preliminary injunctive relief, filed on 23 24 November 19, 2018 (Doc. No. 9), be denied. (Doc. No. 13.) The findings and recommendations were served on plaintiff and contained notice that any objections were to be filed within fourteen 25 26 days after service. (*Id.* at 2–3.) On January 2, 2019, Plaintiff filed objections. (Doc. No. 16.) 27 While the November 30, 2018 findings and recommendations were pending, plaintiff filed 28 a second motion, which the magistrate judge construed as another request for preliminary

1 injunctive relief. (Doc. No. 18.) On February 28, 2019, the assigned magistrate judge issued 2 findings and recommendations, recommending that that motion also be denied. (Doc. No. 19.) 3 Those findings and recommendations were served on plaintiff and contained notice that any 4 objections were to be filed within fourteen days after service. (*Id.* at 3–4.) On March 13, 2019, 5 plaintiff filed objections. (Doc. No. 20.) 6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this 7 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, 8 including plaintiff's objections, the court finds both of the findings and recommendations to be 9 supported by the record and proper analysis. 10 Soon after the assigned magistrate judge recommended denial of plaintiff's second motion 11 for preliminary injunctive relief, plaintiff appealed this case to the United States Court of Appeals 12 for the Ninth Circuit. (Doc. No. 20.) That appeal was dismissed on June 28, 2019. (Doc. No. 13 27.) Thereafter, the assigned magistrate judge screened plaintiff's complaint and found that it 14 failed to state a claim for relief, and dismissed the complaint with leave to amend. (Doc. No. 29.) 15 As a result of that dismissal, the motions for preliminary injunctive relief have been rendered 16 moot, and are properly denied on that basis as well. See Mester v. Martel, No. 2:17-cv-1712-17 KJM-AC, 2018 WL 1567833, at *4 (E.D. Cal. Mar. 30, 2018) ("Because the complaint is being 18 dismissed with leave to amend, there are currently no claims pending and the motion for 19 preliminary injunction will therefore be denied as moot.").

Accordingly,

1. The findings and recommendations issued on November 30, 2018 (Doc. No. 13) and February 28, 2019 (Doc. No. 19) are adopted and plaintiff's requests for preliminary injunctive relief (Doc. Nos. 9, 18) are denied; and

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| 1 | 2. Alternatively, plaintiff's requests for preliminary injunctive relief, filed on | | |
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| 2 | November 19, 2018 (Doc. No. 9) and February 21, 2019 (Doc. No. 18) are | | |
| 3 | as having been rendered moot by the order dismissing plaintiff's complain | | |
| 4 | | leave to amend (Doc. No | . 29). |
| 5 | IT IS SO OR | DERED. | |
| 6 | Dated: August 29, 2019 | Dale A. Dragd | |
| 7 | | UNITED STATES DISTRICT JUDGE | |
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Io. 9) and February 21, 2019 (Doc. No. 18) are denied ot by the order dismissing plaintiff's complaint with