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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY JEROME WOMACK,
Plaintiff,
v.
H. TATE, et al.,
Defendant.

No. 1:19-cv-00614-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. Nos. 9, 19)

Plaintiff Rodney James Womack is a state prisoner proceeding *pro se* and *in forma pauperis* in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 13, 2019, plaintiff filed a motion for a preliminary injunction. (Doc. No. 9.) On June 12, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for a preliminary injunction be denied. (Doc. No. 19.) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) On June 15, 2020, the magistrate judge also issued a screening order, finding that plaintiff’s complaint fails to state a cognizable claim for relief and granting plaintiff leave to file an amended complaint within thirty (30) days of the date of that order. (Doc. No. 21.)

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1 On June 29, 2020, plaintiff filed a notice of interlocutory appeal from the magistrate
2 judge's screening order. (Doc. No. 23.) On July 1, 2020, plaintiff amended his notice of
3 interlocutory appeal to include an appeal of the magistrate judge's findings and recommendations
4 recommending that his motion for preliminary injunction be denied. (Doc. No. 25.) On July 23,
5 2020, the United States Court of Appeals for the Ninth Circuit dismissed the appeal for lack of
6 jurisdiction because the orders challenged in the appeal are not final or appealable. (Doc. No.
7 28.) The Ninth Circuit issued its mandate on August 14, 2020. (Doc. No. 30.) Since then
8 plaintiff has failed to file any objections to the pending June 12, 2020 findings and
9 recommendations.

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

13 Accordingly,

- 14 1. The findings and recommendations issued on June 12, 2020 (Doc. No. 19) are
15 adopted in full;
- 16 2. Plaintiff's motion for a preliminary injunction (Doc. No. 9) is denied; and
- 17 3. This matter is referred back to the assigned magistrate judge for further
18 proceedings consistent with this order.

19 IT IS SO ORDERED.

20 Dated: December 8, 2020

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23 UNITED STATES DISTRICT JUDGE
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