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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN THOMAS ,

 Plaintiff,

 v.

RALPH DIAZ, et al.,

 Defendants.

No. 1:19-cv-00684-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR A
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

(Doc. No. 2, 11)

Plaintiff John Thomas is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 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 May 17, 2019, plaintiff filed his complaint (Doc. No. 1.) and a motion for a temporary restraining order and a preliminary injunction (Doc. No. 2), the latter requesting that the court enjoin defendants and all persons acting on their behalf from merging or mixing the Sensitive Needs Yards prisoners with the General Population prisoners at Avenal State Prison. Plaintiff’s complaint has not yet been screened by the assigned magistrate judge. On March 9, 2020, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for a temporary restraining order and a preliminary injunction be denied because: (1) the request for injunctive relief had been rendered moot by plaintiff’s transfer from Avenal State

1 Prison; (2) the court lacked jurisdiction over the yet unserved defendants; and (3) plaintiff had
2 failed to demonstrate a threat of irreparable harm to himself. (Doc. No. 11.) The findings and
3 recommendations were served on plaintiff and contained notice that any objections thereto were
4 to be filed within fourteen (14) days of service. (*Id.* at 4–5.) To date, no objections to the
5 findings and recommendations have been filed, and the time in which to do so has now passed.


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

9 Accordingly:

- 10 1. The findings and recommendations issued on March 9, 2020 (Doc. No. 11) are
11 adopted in full; and
- 12 2. Plaintiff’s motion for a temporary restraining order and preliminary injunction
13 (Doc. No. 2) is denied.

14 IT IS SO ORDERED.

15 Dated: April 2, 2020

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18 UNITED STATES DISTRICT JUDGE
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