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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALLEN HAMMLER,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 1:19-cv-00785-NONE-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION

(Doc. Nos. 12, 19)

Plaintiff Allen Hamler (“Hammler”) is proceeding *pro se* in this civil rights 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 October 10, 2019, Hammler moved for a preliminary injunction requesting prison officials cease physically assaulting him. (Doc. No. 12). The assigned magistrate judge reviewed Hammler’s motion and determined Hammler had not established the elements necessary to obtain injunctive relief. (Doc. No. 19). Specifically, the magistrate judge found Hammler had not identified “whom he is seeking to enjoin, failed to demonstrate “a likelihood of success on the merits” of his claim and did not “explain either how the relief he seeks would remedy the alleged harms or whether it is narrowly drawn to be the least intrusive means, as required by the PLRA.” (*Id.* at 3).

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1 The magistrate judge accordingly issued findings and recommendations on November 3,
2 2020, recommending Asberry's motions be denied. (Doc. No. 19.) Those pending findings and
3 recommendations were served on plaintiff and contained notice that any objections thereto were
4 to be filed within fourteen (14) days after service. (*Id.*) To date, no objections to the findings and
5 recommendations have been filed, and the time in which to do so has now passed.¹

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

9 Accordingly,

- 10 1. The findings and recommendations issued on November 3, 2020 (Doc No. 19) are
11 adopted in full; and
- 12 2. Plaintiff's motion for injunctive relief (Doc. No. 12) is DENIED.

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14 IT IS SO ORDERED.

15 Dated: March 8, 2021

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18 UNITED STATES DISTRICT JUDGE

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28 ¹ Plaintiff Hammler did file several other untimely, unrelated motions that did not address or
object to the pending findings and recommendations. (Doc. Nos. 22-25).