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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LOPEZ,  
  
  Plaintiff,  
  
  v.  
  
MEDINA, et al.,  
  
  Defendants.

No. 1:19-cv-00794-DAD-SKO (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DENYING  
PLAINITFF’S MOTION FOR INJUNCTIVE  
RELIEF  
  
(Doc. No. 7)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The 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 11, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff’s motion for interim emergency injunctive relief (Doc. No. 3) be denied because: (1) she<sup>1</sup> has not established that she is likely to succeed on the merits of her claims; and (2) her transfer from the facilities where she alleges she did not get along with other prisoners and where she had been pressured into providing sexual favors renders her motion for emergency injunctive relief moot. (Doc. No. 7 at 2–3.) The findings and recommendations were

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<sup>1</sup> Plaintiff alleges that she suffers from gender dysphoria, identifies as female, and uses female pronouns when referencing herself. Accordingly, the court will use female pronouns when referring to plaintiff.

1 served on plaintiff and contained notice that any objections thereto were to be filed within twenty-  
2 one (21) days after service. (*Id.* at 3.) On July 1, 2019, plaintiff filed objections to the findings  
3 and recommendations. (Doc. No. 10.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Rule  
5 304, the undersigned has conducted a *de novo* review of this case. Having carefully reviewed the  
6 entire file, including plaintiff's objections, the court finds the findings and recommendations to be  
7 supported by the record and proper analysis.

8 In her objections, plaintiff contends that her "alleged claims are not limited to occurring at  
9 only [the two facilities mentioned in her complaint]" and that "parts of her pleadings imply more  
10 than those two prisons." (*Id.* at 2.) The undersigned's independent review of plaintiff's  
11 complaint, however, establishes that the allegations of the complaint are limited to facilities that  
12 plaintiff is no longer housed at. Moreover, plaintiff's objections do not meaningfully dispute that,  
13 at this point in the litigation, the court is unable to assess whether she is likely to succeed on the  
14 merits of her claims, a factor the court must consider when considering motions for preliminary  
15 injunctive relief. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) ("A plaintiff  
16 seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he  
17 is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities  
18 tips in his favor, and that an injunction is in the public interests.")

19 Accordingly,

- 20 1. The June 11, 2019 findings and recommendations (Doc. No. 7) are adopted in full;
- 21 2. Plaintiff's motion for interim emergency injunctive relief (Doc. No. 3) is denied;
- 22 and
- 23 3. This case is referred back to the assigned magistrate judge for further proceedings.

24 IT IS SO ORDERED.

25 Dated: September 3, 2019

26   
UNITED STATES DISTRICT JUDGE