

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON D. MCCOY,
Plaintiff,
v.
D. TORRES, et al.,
Defendants.

No. 1:19-cv-01023-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION FOR TEMPORARY RESTRAINING
ORDER OR PRELIMINARY INJUNCTION

(Doc. Nos. 32, 37)

Plaintiff Aaron D. McCoy 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 November 23, 2020, the assigned magistrate judge filed findings and recommendations, recommending that plaintiff’s motion for a temporary restraining order or a preliminary injunction (Doc. No. 32) be denied. (Doc. No. 37.) The magistrate judge found that the claims and requested relief which were the subject of plaintiff’s pending motion are unrelated to the claims in his complaint. More specifically, the defendants in this action are correctional officers at Kern Valley State Prison, whereas plaintiff requests an injunction directed at the Secretary of the California Department of Corrections and/or the Warden of Pelican Bay State Prison, where plaintiff is currently incarcerated. (*Id.* at 2-3.) As a result, the magistrate judge found that the court lacks jurisdiction over the targets of plaintiffs’ motion. (*Id.* at 2.) The

1 findings and recommendations were served on plaintiff and provided him 14 days to file
2 objections thereto. (*Id.* at 3.) Plaintiff has not filed any objections and the time to do so has
3 passed.

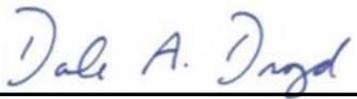
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
5 *de novo* review of this case. Having carefully reviewed the file, the court finds the findings and
6 recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on November 23, 2020 (Doc. No. 37)
9 are adopted in full; and,
- 10 2. Plaintiff's motion for a temporary restraining order or a preliminary injunction
11 (Doc. No. 32) is denied.

12 IT IS SO ORDERED.

13 Dated: January 8, 2021

14 
15 _____
16 UNITED STATES DISTRICT JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28