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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORNEL JACKSON,  
  
                                Plaintiff,  
  
                                v.  
  
JASON QUICK, et al.,  
  
                                Defendants.

No. 1:19-cv-01591-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 33, 77)

Plaintiff Cornell Jackson is a pretrial detainee proceeding *pro se* and *in forma pauperis* 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 November 2, 2020, plaintiff filed an “order to show cause for an (sic) preliminary injunction and a temporary restraining order,” concerning the alleged denial of legal services—specifically his inability to obtain legal documents based on his inability to pay for copies. (Doc. No. 33.) On February 22, 2021, the assigned magistrate judge issued findings and recommendations construing plaintiff’s filing as a motion for preliminary injunction and a temporary restraining order and recommending that the motion be denied as moot, noting that it appeared that plaintiff had sufficient funds to pay for the legal services he sought. (Doc. No. 53.) After plaintiff filed objections asserting that he again lacked the funds to pay for legal services (Doc No. 54), the court permitted the parties to file further briefing concerning the status of

1 plaintiff's funds. (Doc. No. 55).

2 On June 4, 2021, after the parties completed further briefing, the magistrate judge issued  
3 an order vacating its prior findings and recommendations and issuing new findings and  
4 recommendations, recommending that plaintiff's motion be denied. (Doc. No. 77.) Plaintiff filed  
5 objections on June 24, 2021. (Doc. No. 80.) However, this filing does not substantively respond  
6 to the magistrate judge's findings and recommendations but simply states that plaintiff's filing is  
7 being made to "prevent waiver of appeal." (*Id.* at 2.)

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
10 magistrate judge's findings and recommendations are supported by the record and by proper  
11 analysis. Most pertinently, the court agrees with the magistrate judge that plaintiff has failed to  
12 show that he is likely to suffer irreparable harm in the absence of the granting of the requested  
13 preliminary relief. Plaintiff has not demonstrated that his fluctuating trust fund account has  
14 impeded his ability to obtain necessary copies or impeded his access to the courts in any material  
15 way.

16 Accordingly,

- 17 1. The findings and recommendations entered on June 4, 2021 (Doc. No. 77) are  
18 adopted in full; and
- 19 2. Plaintiff's motion for preliminary injunction and a temporary restraining order  
20 (Doc. No. 33) is denied.

21 IT IS SO ORDERED.

22 Dated: July 20, 2021

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25 UNITED STATES DISTRICT JUDGE  
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