

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **EASTERN DISTRICT OF CALIFORNIA**  
5

6 **DIONTAE JOHAN DUNCAN,**

7 **Plaintiff,**

8 **v.**

9 **CALIFORNIA HEALTHCARE**  
10 **RECEIVERSHIP CORP., et al.,**

11 **Defendants.**

**CASE NO. 1:20-cv-01288-AWI-SKO (PC)**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S FOURTH AND FIFTH  
MOTIONS FOR A TEMPORARY  
RESTRAINING ORDER**

(Doc. Nos. 28, 30 & 43)

12  
13  
14 Plaintiff Diontae Johan Duncan is a state prisoner proceeding pro se and in forma pauperis  
15 in this civil rights action. This matter was referred to a United States magistrate judge pursuant to  
16 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

17 On December 3, 2021, the assigned magistrate judge issued findings and  
18 recommendations, recommending that Plaintiff's fourth and fifth motions for temporary a  
19 restraining order (Doc. Nos. 28 & 30) be denied. Doc. No. 43. The magistrate judge found that  
20 "Plaintiff's requests to be released from administrative segregation at Kern Valley State Prison  
21 [KVSP] were . . . mooted when he transferred to [Substance Abuse Treatment Facility and State  
22 Prison, Corcoran]." Id. at 2. The findings and recommendations were served on Plaintiff and  
23 provided him twenty-one days to file objections thereto. Id. Plaintiff filed objections on  
24 December 16, 2021. Doc. No. 44.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
26 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that  
27 the findings and recommendations are supported by the record and by proper analysis. In his  
28 objections, Plaintiff raises a number of claims unrelated to those raised in his motions for a

1 temporary restraining order. Compare Doc. Nos. 28 & 30, with Doc. No. 44. However, Plaintiff  
2 does not meaningfully dispute that the requests for relief he makes in his motions—to be released  
3 from administrative segregation at KVSP—were mooted when he transferred to a different prison.

4  
5 **ORDER**

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations (Doc. No. 43) that were issued on December 3,  
8 2021, are ADOPTED in full; and  
9 2. Plaintiff's fourth and fifth motions for a temporary restraining order (Doc. Nos. 28  
10 & 30) are DENIED.

11 IT IS SO ORDERED.

12 Dated: December 20, 2021

13   
14 SENIOR DISTRICT JUDGE