1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JARED ANDREW MARTIN, No. 1:22-cv-00600-ADA-BAM (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING 13 PLAINTIFF'S MOTION FOR COURT v. **ORDER** 14 GUTIERREZ, et al., (ECF Nos. 14, 17) 15 Defendant. ORDER DENYING PLAINTFF'S PETITION 16 FOR COURT ORDER AND NOTICE OF **CLARIFICATION** 17 (ECF No. 20) 18 19 Plaintiff Jared Andrew Martin is a state prisoner proceeding pro se and in forma pauperis 20 in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States 21 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 22 On August 23, 2022, Plaintiff filed a motion for court order and notice to proceed on cognizable claims. (ECF No. 14.) On August 25, 2022, the assigned Magistrate Judge construed 23 the filing as a motion for preliminary injunction and issued findings and recommendations that 24 25 Plaintiff's motion be denied. (ECF No. 17.) The findings and recommendations were served on 26 Plaintiff. They contained notice that any objections would be due within fourteen days after 27 service. (*Id.* at 3.) 28 /// 1

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Plaintiff filed timely objections. (ECF No. 18.) On September 9, 2022, Plaintiff also filed a document titled "Petition for Court Order: Notice of Clarification Regarding Illegally Seized Documents, Evidence and Court Papers and Records," which was docketed as a Motion for Clarification. (ECF No. 20.) Plaintiff's motion for clarification essentially reiterates the arguments he raised in his original motion for preliminary injunction. Although Plaintiff argues that he is not seeking an injunction, Plaintiff again requests a court order for his paperwork to be returned to him. (Id.) As the relief requested is substantially similar to that in the original motion, the Court will review them together. As the Magistrate Judge discussed in the findings and recommendations, Plaintiff has not yet shown a likelihood of success on the merits. Additionally, the Court currently lacks jurisdiction over the named defendants at Valley State Prison and any non-party staff at the Madera County Jail. Plaintiff's objections do not argue otherwise.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's objections and new motion for injunctive relief, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly,

- 1. The findings and recommendations issued on August 25, 2022, (ECF No. 17), are adopted in full;
- 2. Plaintiff's motion for court order, (ECF No. 14), is DENIED;
- 3. Plaintiff's motion for clarification, (ECF No. 20), is DENIED; and
- 4. This matter is referred back to the Magistrate Judge for further proceedings consistent with this order.

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IT IS SO ORDERED.

Dated: September 29, 2022

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