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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN EDWARD MITCHELL,

Plaintiff,

v.

CA DEPARTMENT OF CORRECTIONS
& REHABILITATION, *et al.*,

Defendants.

Case No. 1:24-cv-0522 JLT BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTIONS FOR
PRELIMINARY INJUNCTIVE RELIEF

(Docs. 3, 8, 9, and 13)

John Edward Mitchell is a state prisoner and seeks to hold the defendants—including the CDCR, the Secretary of the CDCR, the Warden at Kern Valley State Prison, and several correctional officers—liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. (*See generally* Doc. 1.) Plaintiff seeks injunctive relief, asserting that he has a continued risk of retaliatory acts that include physical assault, false rules violations report, mail withholding, violations of his religious rights, and other potential unconstitutional conditions of confinement. (*See* Docs. 3, 8, and 9.)

The magistrate judge found Plaintiff failed to show he is entitled to injunctive relief, because he does not “show[] a likelihood of success on the merits.” (Doc. 13 at 4.) In addition, the magistrate judge determined Plaintiff did not demonstrate he will suffer an irreparable harm if injunctive relief is not granted. (*Id.*) The magistrate judge found that Plaintiff does not show “the balance of equities tips in his favor, or that an injunction is in the public interest.” (*Id.*) Finally,

1 the magistrate judge observed that Plaintiff “has not shown that the broad relief sought, such as
2 preventing any correctional staff from any institution from performing any act that might trigger
3 Plaintiff’s PTSD, or the specific relief sought, such as preventing certain non-party individuals
4 from taking actions that might violate Plaintiff’s constitutional rights, has any relationship to the
5 underlying claims in presented in the complaint.” (*Id.*) Therefore, the magistrate judge
6 recommended Plaintiff’s requests for injunctive relief be denied. (*Id.* at 5.)

7 The Court served the Findings and Recommendations on Plaintiff and notified him that
8 any objections were due within 30 days. (Doc. 13 at 5.) The Court advised Plaintiff that the
9 failure to file objections by the specified deadline may result in the waiver of rights on appeal.
10 (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file
11 objections, and the time to do so has passed.

12 Pursuant to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
13 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
14 are supported by the record and proper analysis. Accordingly, the Court **ORDERS**:

- 15 1. The Findings and Recommendations issued on May 3, 2024 (Doc. 13) are
16 **ADOPTED** in full.
- 17 2. Plaintiff’s motions for preliminary injunctive relief (Docs. 3, 8, 9) are **DENIED**
18 without prejudice.

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20 IT IS SO ORDERED.

21 Dated: June 4, 2024

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UNITED STATES DISTRICT JUDGE