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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARQUIS VERNARD WALKER,

Plaintiff,

No. CIV S-07-1323 WBS EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On June 16, 2009, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

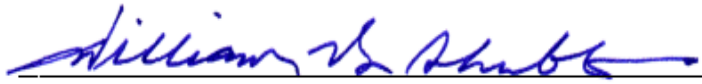
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed June 16, 2009, are adopted in full,
2 with exception to the magistrate judge's reliance upon Sw. Voter Registration Educ. Project v.
3 Shelly, 334 F.3d 914, 918 (9th Cir. 2003) for the standard in considering motions for preliminary
4 injunction; and

5 2. Plaintiff's October 29, 2008, and November 24, 2008, filings, construed
6 together as a motion for a preliminary injunction, and considered under the standard recently
7 articulated by the Supreme Court in Winter v. Natural Resources Defense Council, Inc., 129
8 S.Ct. 365 (2008) are denied.

9 DATED: August 19, 2009

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11 WILLIAM B. SHUBB
12 UNITED STATES DISTRICT JUDGE
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