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

JONATHAN LEE RICHES,

Plaintiff,

No. CIV S- 07-2182 GEB GGH P

vs.

ERIC ROBERT RUDOLPH, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____/

Plaintiff, a federal prisoner in South Carolina, asks this court to issue a temporary restraining order prohibiting defendants from, inter alia, distributing plaintiff’s putatively “copyrighted pro-abortion material,” which he contends is accompanied by threats of violence. Plaintiff does not demonstrate that this court has jurisdiction to issue such an order, that this is an appropriate venue for such an order, see 28 U.S.C. § 1391, et seq., or that he has any underlying cognizable claim, see 28 U.S.C. § 1331 et seq. Nor has plaintiff sought leave to proceed in forma pauperis or paid the requisite filing fee. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff’s request is frivolous and the court will recommend this action be dismissed.

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s wholly inapposite and unsupported request for a TRO be vacated and this action be dismissed as frivolous.

1 These findings and recommendations are submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty
3 days after being served with these findings and recommendations, plaintiff may file written
4 objections with the court. Such a document should be captioned "Objections to Magistrate
5 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections
6 within the specified time may waive the right to appeal the District Court's order. Martinez v.
7 Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: 10/18/07

/s/ Gregory G. Hollows

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10 GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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