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

HERMAN JOHNSON,

Petitioner,

No. CIV S-08-2995 GEB CHS

vs.

MICHAEL KNOWLES,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, filed an application for writ of habeas corpus brought pursuant to 28 U.S.C. §2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On April 14, 2010, the magistrate judge issued findings and recommendations herein, recommending that the petition be denied.

On May 20, 2010, petitioner filed a motion for a temporary restraining order and preliminary injunction, requesting that respondent be ordered to replace or reimburse him for various legal documents allegedly lost by prison staff. Petitioner indicated that he wanted copies of those documents in order to file objections to the April 14, 2010 findings and recommendations. On May 26, 2010, the magistrate judge issued findings and recommendations on petitioner’s May 20, 2010 motion, recommending that the motion be denied. By separate

1 order on the same date, the magistrate judge granted petitioner a 30 day extension of time to file
2 objections to the pending findings and recommendations on the merits of petitioner's application
3 for writ of habeas corpus.

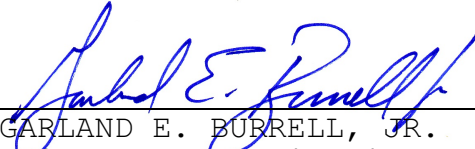
4 The May 26, 2010 findings and recommendations recommending that petitioner's
5 motion for temporary restraining order and/or preliminary injunction be denied were served on
6 all parties and contained notice to all parties that any objections were due within twenty-one
7 days. Neither party has filed objections to the May 26, 2010 findings and recommendations.

8 The court finds the May 26, 2010 findings and recommendations to be supported
9 by the record and by the proper analysis. As set forth by the magistrate judge, petitioner's motion
10 for temporary restraining order seeks relief concerning the conditions of his confinement and
11 thus the appropriate vehicle for his request would be a separate action brought pursuant to 42
12 U.S.C. § 1983.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The findings and recommendations filed May 26, 2010, are adopted in full; and
15 2. Petitioner's May 20, 2010 motion for temporary restraining order and/or preliminary
16 injunction is denied.

17 Dated: August 5, 2010

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20 GARLAND E. BURRELL, JR.
United States District Judge