

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

JAMES EVANS, JR.,

Plaintiff,

No. 2:09-cv-0292 WBS JFM (PC)

vs.

D. K. SISTO, et al.,

Defendants.

ORDER

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On January 3, 2012, plaintiff filed a motion styled as a motion for temporary restraining order or preliminary injunction but which seeks no specific injunctive relief from the court. As with previous motions filed in this action, see Order filed August 15, 2011, plaintiff continues to contend that the California Department of Corrections and Rehabilitation lacks jurisdiction to keep him in custody. That contention has been found to be without merit, and the claim raised by plaintiff in this action which rested thereon has been dismissed. See Findings and Recommendations filed March 30, 2010, at 3-4; Order filed May 5, 2010. Plaintiff's motion will be denied.

////

////

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

In accordance with the above, IT IS HEREBY ORDERED that plaintiff's January 3, 2012 motion is denied.  
DATED: February 6, 2012.

  
UNITED STATES MAGISTRATE JUDGE

<sup>12</sup>  
evan0292.o3