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

MORRIS MESTER,

Plaintiff,

No. Civ S-09-3307 KJM KJN P

vs.

MILLER and REED,

Defendants.

ORDER

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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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 4, 2011 and June 24, 2011, the magistrate judge filed findings and recommendations, 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-one days. Neither party has filed objections to the findings and recommendations.

The court thus presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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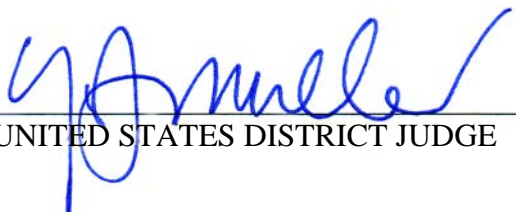
1 1983). Having carefully reviewed the file, the court finds the findings and ultimate  
2 recommendations to be supported by the record and by the proper analysis. However, the court  
3 declines to adopt the magistrate judge's advisory discussion of the potential application of the  
4 All Writs Act. The case of *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 112  
5 (1969), cited by the magistrate judge, is the precedent applicable to resolution of plaintiff's  
6 pending motions. The court also declines to adopt the magistrate judge's suggestions as to  
7 possible future litigation strategies.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. The findings and recommendations filed April 4, 2011 and June 24, 2011, are  
10 adopted, with the exception of footnote 1 on page 2 and the language appearing on page 3, line  
11 15 through page 4, line 3.

12 2. Plaintiff's motions for injunctive relief (ECF Nos. 65, 69, 70, 71, 74, 78 & 80)  
13 are denied.

14 DATED: September 21, 2011.

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17 UNITED STATES DISTRICT JUDGE  
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