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

MICHAEL LYNN WATERS,

Plaintiff,

No. 2:11-cv-2822 GEB KJN P

vs.

T. YBARRA,

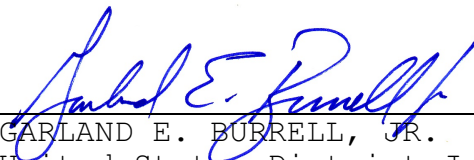
Defendant.

ORDER

On November 7, 2011, plaintiff filed a request for reconsideration of the magistrate judge’s order filed October 28, 2011, denying plaintiff’s motion for preliminary injunction. Pursuant to E.D. Local Rule 303(f), a magistrate judge’s orders shall be upheld unless “clearly erroneous or contrary to law.” Upon review of the entire file, the court finds that it does not appear that the magistrate judge’s ruling was clearly erroneous or contrary to law.<sup>1</sup>

Therefore, IT IS HEREBY ORDERED that, upon reconsideration, the order of the magistrate judge filed October 28, 2011, is affirmed.

Dated: November 29, 2011

  
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GARLAND E. BURRELL, JR.  
United States District Judge

<sup>1</sup> Plaintiff contends the denial of the motion was based on plaintiff’s alleged failure to exhaust administrative remedies. However, the motion was denied without prejudice because plaintiff is required to file a complaint in order to commence an action. Fed. R. Civ. P. 3. Plaintiff has not yet filed a complaint, and paid the filing fee or filed a request to proceed in forma pauperis.