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

JOSEPH BECKER,

No. 2:12-CV-3040-KJM-CMK-P

Plaintiff,

vs.

ORDER

K. FANG, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On August 5, 2013, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within a specified time. Plaintiff has filed timely objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file, including plaintiff's supplementation of his reply, the court finds the findings and

1 recommendations to be supported by the record and by the proper analysis. However, as the
2 magistrate judge recognized, because he found plaintiff was unlikely to succeed on the merits, it
3 was not necessary for him to analyze plaintiff's showing of irreparable injury. The court thus
4 adopts the findings and recommendations, except for the portion appearing on page eight, line
5 twelve through line twenty-six.


6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed August 5, 2013, are adopted
8 except as noted above;

9 2. Plaintiff's motion to supplement his reply (Doc. 22) is granted; and

10 3. Plaintiff's motion for a temporary restraining order (Doc. 2) is denied.

11 DATED: September 30, 2013.

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15 UNITED STATES DISTRICT JUDGE
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