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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSEPH CRANE,  
Plaintiff,  
v.  
RODRIGUEZ, et al.,  
Defendants.

No. 2:15-cv-0208 TLN KJN P

ORDER

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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The instant action proceeds on Plaintiff’s allegations that Defendants retaliated against him for exercising his right to access the courts and practice his religion, and failed to protect Plaintiff, based on incidents that occurred at High Desert State Prison (“HDSP”) between February 12, 2009, and March 8, 2013. At the time Plaintiff filed his motion for injunctive relief, he was housed at R.J. Donovan Correctional Facility (“RJD”) in San Diego, but is now housed at the California State Prison in Lancaster (“LAC”).

On September 22, 2015, the magistrate judge recommended that Plaintiff’s motion for injunctive relief be denied in findings and recommendations which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were

1 to be filed within thirty days. (ECF No. 22.) On October 29, 2015, the undersigned adopted the  
2 findings and recommendations as no objections were timely filed. (ECF No. 27.)

3 The next day, Plaintiff filed a motion for extension of time to file objections, which was  
4 entered on the court's docket on November 2, 2015, but signed by Plaintiff on October 20, 2015.  
5 (ECF No. 28.) On November 10, 2015, Plaintiff's request for extension was granted because the  
6 request for extension was timely filed under the mailbox rule. (ECF No. 33 at 1.) On November  
7 30, 2015, Plaintiff filed objections to the findings and recommendations. (ECF No. 36.)

8 Therefore, the October 29, 2015 Order (ECF No. 27) adopting the findings and  
9 recommendations is vacated, and the Court will conduct a de novo review.

10 In his two page objections, Plaintiff states that without injunctive relief, agents of the  
11 California Department of Corrections and Rehabilitation will not cease retaliating against him  
12 because of this litigation. (ECF No. 36 at 1.) Plaintiff adds that "since the level of retaliatory  
13 actions has risen to criminal actions such as attempted murder, and assault with serious bodily  
14 injury, injunctive relief is [needed] just to preserve [the] status quo." (ECF No. 36 at 1.)

15 However, Plaintiff provides no factual support for the statements contained in his  
16 objections. Plaintiff does not indicate where such "criminal actions" occurred, and does not  
17 identify the alleged "attempted murder and assault with serious bodily injury" to which he refers.  
18 His request for injunctive relief based on incidents at RJD did not include such allegations. Thus,  
19 it is unclear whether Plaintiff is referring to incidents that occurred at RJD or LAC.

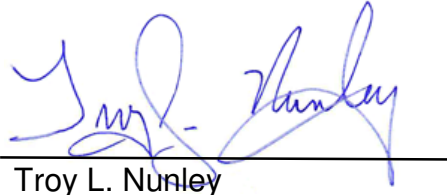
20 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
21 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
22 Court finds the findings and recommendations to be supported by the record and by proper  
23 analysis.

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. The October 29, 2015 Order (ECF No. 27) is vacated;
- 26 2. The findings and recommendations filed September 22, 2015 (ECF No. 22), are  
27 adopted in full; and
- 28 3. Plaintiff's request for injunctive relief (ECF No. 21) is denied.

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Dated: December 4, 2015



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Troy L. Nunley  
United States District Judge