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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL WINDHAM, JR.,
Plaintiff,
v.
CALIFORNIA MEDICAL FACILITY, et
al.,
Defendants.

No. 2:15-cv-1058 MCE CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a California prisoner proceeding pro se with a civil action. Plaintiff has filed a motion for preliminary injunctive relief concerning his current medical care at the California Health Care Facility in Stockton. However, the two remaining defendants in this action, defendants Sabin and Yun, were medical professionals at the California Medical Facility (CMF) in Vacaville during all times relevant to the allegations in plaintiff’s operative first amended complaint. Also, plaintiff does not seek injunctive relief in his first amended complaint, only damages against Sabin and Yun concerning past care for plaintiff at CMF. In light of the foregoing, the court will recommend that plaintiff’s request for preliminary injunctive relief be denied. Plaintiff has the option of initiating a separate civil action if he wishes to challenge his current conditions of confinement at the California Health Care Facility.

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1 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for preliminary
2 injunctive relief (ECF No. 51) be denied.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
8 objections shall be served and filed within fourteen days after service of the objections. The
9 parties are advised that failure to file objections within the specified time may waive the right to
10 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: May 25, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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