UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT WILLIAM TUNSTALL, JR., Plaintiff, v. JOSEPH BICK, et al., Defendants.	No. 2:16-cv-2604-KJM-CMK-P ORDER

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 September 12, 2017, the Magistrate Judge filed findings and recommendations recommending denial of a motion for injunctive relief filed by plaintiff with his original complaint on November 1, 2016. The findings and recommendations were served on the parties and contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

The court 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. 1983). Having reviewed the file, the court adopts the recommendation to deny plaintiff's motion

for injunctive relief on the grounds that (1) plaintiff's general request to "grant" his original complaint "in its entirety", ECF No. 3 at 13, does not meet the standards for issuance of an injunction and (2) plaintiff's original complaint has been dismissed with leave to amend, ECF No. 21. Plaintiff filed a first amended complaint, ECF No. 26, which was also dismissed with leave to amend, ECF No. 29, and plaintiff's second amended complaint, filed January 29, 2018, ECF No. 31, is now pending screening before the magistrate judge.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 12, 2017, are adopted to the extent consistent with this order; and
2. Plaintiff's motion for a temporary restraining order (Doc. 3) is denied.

DATED: February 26, 2018

UNITED STATES DISTRICT JUDGE