

1 has made out only a possibility, as opposed to a “reasonable expectation or demonstrated
2 probability” that he will suffer the same deprivation of electricity for his CPAP elsewhere, let
3 alone be moved back to Mule Creek. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982).

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
5 court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the
6 findings and recommendations to be supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed November 1, 2019 (ECF Nos. 39, 40) are
9 adopted in full;
- 10 2. Plaintiff’s motion for injunctive relief (ECF No. 10) is denied as moot;
- 11 3. Defendants’ motion to dismiss (ECF No. 30) is granted; and
- 12 4. Defendants Brockenborough, Boyd, Holmes, Lizarraga, Manning and Weiss shall file a
13 response to plaintiff’s Eighth Amendment claim for damages raised in the amended complaint within
14 twenty-one days of service of this order.

15 DATED: September 7, 2020.

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18 CHIEF UNITED STATES DISTRICT JUDGE
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