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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DUPREE LAMONT ADKINS,
Plaintiff,
v.
DAVID HURTADO & E. MARSHAK,
Defendants.

Case No. 2:21-cv-00531-DJC-JDP (HC)
FINDINGS AND RECOMMENDATIONS
THAT PETITIONER’S MOTION FOR
PRELIMINARY INJUNCTION BE DENIED
ECF No. 55

Plaintiff alleges that defendants violated his rights by denying him access to the law library because of his race. ECF No. 41 at 6-8. He has filed a motion for preliminary injunction and temporary restraining order that requests that he be granted priority library user time at the California Medical Facility, where the events of this lawsuit transpired. ECF No. 55. The motion also requests the production of unredacted documents and the administration of a polygraph examination. *Id.* at 17. I recommend that this motion be denied.

As an initial matter, defendants point out that plaintiff is no longer incarcerated at the California Medical Facility, and his request for library time at that facility is now moot. ECF No. 64. Plaintiff does not appear to dispute that he is now held at the California Health Care Facility and, thus, access to the law library at his previous facility is no longer relevant. *See Johnson v. Moore*, 948 F.2d 517, 522 (9th Cir. 1991) (finding injunctive relief claims related to a particular prison are mooted by a transfer to another facility without a reasonable expectation of return).

1 Plaintiff's request for unredacted documents is inappropriate to a motion for preliminary
2 injunctive relief. The documents may be sought through discovery and, indeed, it appears
3 plaintiff has already done so. ECF No. 42. Finally, plaintiff's request for a polygraph
4 examination is inappropriate to a motion for preliminary injunctive relief. Plaintiff has not
5 explained how, if a polygraph were ordered, it would prevent irreparable harm. *See Ctr. for Food*
6 *Safety v. Vilsack*, 636 F.3d 1166, 1174 (9th Cir. 2011) (an injunction cannot be granted without a
7 showing that irreparable harm will befall the party in its absence).

8 Accordingly, it is RECOMMENDED that plaintiff's motion for preliminary injunctive
9 relief, ECF No. 55, be DENIED.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
15 objections shall be served and filed within fourteen days after service of the objections. The
16 parties are advised that failure to file objections within the specified time may waive the right to
17 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
18 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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20 IT IS SO ORDERED.

21 Dated: April 30, 2023

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23 JEREMY D. PETERSON
24 UNITED STATES MAGISTRATE JUDGE
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