

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM ROUSER,
Plaintiff,
v.
PATRICK COVELLO, et al.,
Defendants.

No. 2:22-cv-01749-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR A
PRELIMINARY INJUNCTION

(Doc. Nos. 10, 11)

Plaintiff William Rouser is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 3, 2023, plaintiff filed a motion for a preliminary injunction seeking an order directing prison officials to allow him to attend educational programming. (Doc. No. 10.) On January 9, 2023, the assigned magistrate judge issued findings and recommendations recommending that plaintiff’s motion for a preliminary injunction be denied because: (i) plaintiff did not seek injunctive relief against individuals who are named as defendants in this action; (ii) the lack of educational programming was not likely to lead to plaintiff suffering irreparable harm; and (iii) plaintiff was not likely to succeed on the merits of his claim because there is no constitutional right to educational programming. (Doc. No. 11 at 2.) The pending findings and

1 recommendations were served on plaintiff and contained notice that any objections thereto were
2 to be filed within fourteen (14) days after service. (*Id.* at 2.) On January 19, 2023, plaintiff filed
3 objections to the pending findings and recommendations. (Doc. No. 13.)

4 In his objections, plaintiff contends that the has a constitutional right and “liberty interest”
5 in obtaining the educational programming he seeks, and that the denial of such programming is
6 cruel and unusual punishment. (Doc. No. 12.) Plaintiff also contends that he requires the
7 educational programming to become rehabilitated and to follow the parole board’s advisement.
8 (*Id.* at 1.) However, it is well established that prisoners do not have a constitutional right to an
9 education or certain rehabilitation programs. *See Rhodes v. Chapman*, 452 U.S. 337, 348 (1981)
10 (finding that the deprivation of rehabilitation and educational programs does not violate the
11 Eighth Amendment); *Coakley v. Murphy*, 884 F.2d 1218, 1221 (9th Cir. 1989) (rejecting the
12 argument that a prisoner had property interest in a work release program because “there is no
13 constitutional right to rehabilitation”); *Toussaint v. McCarthy*, 801 F.2d 1080, 1092 (9th Cir.
14 1986) (“A liberty interest does not arise even when administrative segregation imposes ‘severe
15 hardships,’ such as ‘denial of access to vocational, educational, recreational, and rehabilitative
16 programs.’”), *abrogated in part on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995);
17 *Baumann v. Arizona Dep’t of Corr.*, 754 F.2d 841, 846 (9th Cir. 1985) (“General limitation of
18 jobs and educational opportunities [in prison] is not considered punishment.”).

19 In addition, to the extent plaintiff contends that he has been retaliated against, that claim
20 appears unrelated to his requested injunctive relief regarding his access to certain education
21 programming and, in any event, plaintiff has also failed to demonstrate that he is likely to succeed
22 on the merits of any such retaliation claim. *See Wood v. Yordy*, 753 F.3d 899, 905–06 (9th Cir.
23 2014) (“We have repeatedly held that mere speculation that defendants acted out of retaliation is
24 not sufficient.”); *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 636 (9th
25 Cir. 2015) (“We hold that there must be a relationship between the injury claimed in the motion
26 for injunctive relief and the conduct asserted in the underlying complaint.”). Plaintiff’s remaining
27 objections fail to address the substance of the magistrate judge’s analysis and conclusions. Thus,

28 /////

1 plaintiff's objections provide no basis upon which to reject the pending findings and
2 recommendations.


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

6 Accordingly,

- 7 1. The findings and recommendations issued on January 9, 2023 (Doc. No. 11) are
8 adopted in full; and
- 9 2. Plaintiff's motion for a preliminary injunction (Doc. No. 10) is denied.

10 IT IS SO ORDERED.

11 Dated: May 17, 2023

12 
13 _____
14 UNITED STATES DISTRICT JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28