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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRODERICK JAMES WARFIELD,
Plaintiff,
v.
WALT TIBBET, et al.,
Defendants.

No. 2:23-cv-01546 KJM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 18, 2023, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. F&Rs, ECF No. 15. Plaintiff has filed objections to the findings and recommendations. Obj., ECF No. 18. Plaintiff also subsequently filed a second motion for a temporary restraining order, *see* Second TRO, ECF No. 38, and motions to seal and redact exhibits in support of this motion, *see* First Mot. to Seal, ECF No. 39; Second Mot. to Seal, ECF No. 41; Mot. to Redact, ECF No. 45.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, including plaintiff's

1 objections, the court finds the findings and recommendations to be supported by the record and
2 by the proper analysis.

3 Furthermore, plaintiff's motion for a temporary restraining order is **denied as moot**.
4 Plaintiff requests the court order defendants to provide plaintiff with all relevant evidence and
5 allow plaintiff to "file complaints against defendants with the appropriate state agencies." Second
6 TRO at 2. However, "[a] plaintiff seeking a preliminary injunction must establish that he is likely
7 to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
8 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest."
9 *Glossip v. Gross*, 576 U.S. 863, 876 (2015). Here, as explained by the magistrate judge, *see*
10 *generally* F&Rs, and adopted here, plaintiff has not shown he is likely to succeed on the merits.
11 Because the court dismisses this action without leave to amend, this second motion for a
12 temporary restraining order is denied as moot.

13 The court also **denies** plaintiff's first motion to seal and his motion to redact exhibits as
14 moot. *See* First Mot. to Seal; Mot. to Redact. Plaintiff alleges the exhibits at issue "contain
15 sensitive and confidential information that, if made public, would cause irreparable harm to
16 [p]laintiff's personal and professional reputation, as well as his safety and security." First Mot. at
17 2. However, as described above, the court adopts the magistrate judge's findings and
18 recommendations and dismisses plaintiff's claims without leave to amend. An examination of the
19 documents plaintiff seeks to seal and redact does not change this conclusion. The court further
20 finds the documents filed and currently sealed under a temporary restriction at ECF No. 41 do not
21 change the decision to dismiss plaintiff's claims without leave to amend. However, given the
22 documents have already been filed on the public docket and were placed under a temporary
23 restriction, these documents shall remain sealed until further court order. *See* Second Mot. to
24 Seal.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. The findings and recommendations filed September 18, 2023, ECF No. 15, are
27 adopted in full;

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- 1 2. Plaintiff's third amended complaint, ECF No. 12, is dismissed without leave to
- 2 amend;
- 3 3. Plaintiff's motion to proceed in forma pauperis, ECF No. 2, is denied as moot;
- 4 4. Plaintiff's motions for temporary restraining orders, ECF Nos. 14, 38 are denied as
- 5 moot;
- 6 5. Plaintiff's motion to stay, ECF No. 34, is denied as moot;
- 7 6. Plaintiff's motion to seal, ECF No. 39, is denied;
- 8 7. The documents currently sealed at ECF No. 41 shall remain sealed until further court
- 9 order;
- 10 8. Plaintiff's motion to amend his complaint, ECF No. 43, is denied as moot;
- 11 9. Plaintiff's motion to redact exhibits, ECF No. 45 is denied as moot;
- 12 10. Plaintiff's motion for leave to file a supplemental brief, ECF No. 50, is denied as
- 13 moot;
- 14 11. This action is dismissed with prejudice; and
- 15 12. The Clerk of the Court is directed to close this case.

16 DATED: June 5, 2024.

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20 CHIEF UNITED STATES DISTRICT JUDGE
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