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E-FILED - 1/15/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN OWENS,)	No. C 06-4778 RMW (PR)
)	
Plaintiff,)	ORDER DENYING MOTION FOR TEMPORARY
)	RESTRAINING ORDER OR PRELIMINARY
v.)	INJUNCTION
)	
A. PADILLA, et. al.,)	(Docket No. 37)
)	
Defendants.)	
_____)	

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against prison officials at the Correctional Training Facility (“CTF”) in Soledad, California. Plaintiff has filed a motion for a temporary restraining order (“TRO”) and a preliminary injunction seeking to enjoin “defendants, defendants[’] co-worker, agents and all persons” from conducting cell-searches or disciplining him in retaliation for his filing the instant action.

Plaintiff has neither complied with the notice requirement of Rule 65(a)(1) of the Federal Rules of Civil Procedure, nor certified the reasons for his not providing such notice, as required by Rule 65(b) of the Federal Rules of Civil Procedure. Accordingly, plaintiff’s request for a preliminary injunction and/or TRO is DENIED. Although plaintiff’s request for injunctive relief cannot be granted, the court notes that prison officials may conduct cell searches and discipline plaintiff for reasonable penological purposes, but they may

1 not do so in retaliation against plaintiff for the filing of this lawsuit. See Sorrano's Gasco, 874
2 F.2d 1310, 1314 (9th Cir. 1989).

3 This order terminates Docket No. 37.

4 IT IS SO ORDERED.

5 DATED: 1/13/09


RONALD M. WHYTE
United States District Judge

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