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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

OMAR ERNEST EPPS,		
	Plaintiff,	
vs.		
N. GRANNIS, et al.,		
	Defendants.	

CASE NO. 10-cv-01949 BEN (MDD)

**ORDER:**

**(1) ADOPTING REPORT AND RECOMMENDATION**

**(2) DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

[Docket Nos. 20, 59]

Plaintiff Omar Ernest Epps, a prisoner at Calipatria State Prison proceeding *pro se*, filed a Motion for Temporary Restraining Order and/or Preliminary Injunction on February 22, 2011. (Docket No. 20.) On May 20, 2011, Defendants filed an opposition to the motion. (Docket No. 50.) On June 22, 2011, Plaintiff filed a reply. (Docket No. 56.)

Magistrate Judge Mitchell D. Dembin issued a thoughtful and thorough Report and Recommendation recommending that Plaintiff's Motion for Injunctive Relief be denied. (Docket No. 59.) Any objections to the Report and Recommendation were due August 19, 2011. (*Id.*) Neither party filed any objections. For the reasons that follow, the Report and Recommendation is **ADOPTED.**

A district judge "may accept, reject, or modify the recommended disposition" of a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1). "[T]he district

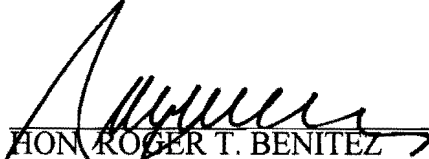
1 judge must determine de novo any part of the [report and recommendation] that has been properly  
2 objected to.” FED. R. CIV. P. 72(b)(3). However, “[t]he statute makes it clear that the district judge  
3 must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but  
4 not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)  
5 (emphasis in original), *cert denied*, 540 U.S. 900 (2003); *see also Wang v. Masaitis*, 416 F.3d 992,  
6 1000 n.13 (9th Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,  
7 de novo, findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*,  
8 328 F.3d at 1121. Accordingly, the Court may deny Plaintiff’s Motion on this basis alone.

9 In the absence of any objections, the Court fully **ADOPTS** Judge Dembin’s Report and  
10 Recommendation. Plaintiff’s Motion for Injunctive Relief is **DENIED**.

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**IT IS SO ORDERED.**

DATED: August 26, 2011

  
HON. ROGER T. BENITEZ  
United States District Court Judge