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

<p>OMAR ERNEST EPPS,</p> <p style="text-align: right; padding-right: 20px;">Plaintiff,</p> <p style="text-align: center; padding: 10px 0;">vs.</p> <p>N. GRANNIS, et al.,</p> <p style="text-align: right; padding-right: 20px;">Defendants.</p>	<p>CASE NO. 10-cv-01949 BEN (MDD)</p> <p>ORDER:</p> <p>(1) ADOPTING REPORT AND RECOMMENDATION</p> <p>(2) DENYING PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION</p> <p>[Docket Nos. 20, 59]</p>
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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.*) On August 22, 2011, having not received any objections to the Report and Recommendation, the Court adopted the Report and Recommendation. (Docket No. 60.) On August 26, 2011, the Court received an Objection from Plaintiff. (Docket No. 62.) Having reviewed the matter *de novo*, the Report is **ADOPTED** over Plaintiff's Objection. Plaintiff's Motion for Injunctive Relief is **DENIED**.

In his Motion for Temporary Restraining Order, Plaintiff claimed that an injunction was

1 necessary because he has been “denied his right to free exercise and expression of religion.” (Docket
2 No. 20.) Plaintiff argued that if his Motion is not granted, these violations will continue. (*Id.*)
3 Specifically, Plaintiff contended that: (1) he should be allowed into the Kosher diet program as his
4 “heart risk and bad cholesterol are rising”; (2) he should be able to receive “special religious packages”
5 and “religious artifacts”; (3) that he and other Muslims should be allowed to attend worship services;
6 and (4) that his Ramadan and “Eidul Fitr prayers have been severely hindered and/or refused.” (*Id.*)
7 Judge Dembin recommended that the motion be denied because: (1) Plaintiff has not clearly
8 established that he will suffer an irreparable injury if an injunction is not granted; (2) Plaintiff has not
9 established a likelihood of success on the merits; (3) Plaintiff has not established that the balance of
10 equities favor granting an injunction; and (4) Plaintiff has not established that the public interest favors
11 granting an injunction.

12 The Court need only conduct a de novo review of those issues to which Plaintiff objects.
13 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“The statute makes it
14 clear that the district judge must review the magistrate judge’s findings and recommendations de novo
15 if objection is made, but not otherwise.”); see also *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.
16 2005). Plaintiff objects to all four of the Report’s findings. After a de novo review of the Report and
17 Recommendation as well as Plaintiff’s Objection, the Court finds that (1) Plaintiff has not clearly
18 established that he will suffer an irreparable injury if an injunction is not granted, (2) Plaintiff has not
19 established a likelihood of success on the merits, (3) Plaintiff has not established that the balance of
20 equities favor granting an injunction, and (4) Plaintiff has not established that the public interest favors
21 granting an injunction. Accordingly, the Court **ADOPTS** Judge Dembin’s Report and
22 Recommendation. Plaintiff’s Motion for Injunctive Relief is **DENIED**.

23
24 **IT IS SO ORDERED.**

25 DATED: September 12, 2011

26 
27 HON. ROGER T. BENITEZ
28 United States District Court Judge