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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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| MARSHALL BURGESS, JR., |) | |
| |) | |
| Plaintiff, |) | 3:12-cv-00085-LRH-WGC |
| |) | |
| v. |) | |
| |) | <u>ORDER</u> |
| BRIAN E. SANDOVAL, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#88¹) entered on April 23, 2013, recommending denying Plaintiff’s Emergency Motion to Be Able to Make and Be Heard on an Oral TRO/Preliminary Injunction About Prison Condition on November 27, 2012 at 1:30 pm (#59) filed on November 16, 2012. No objections to the Report and Recommendation were filed. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge’s Report and Recommendation

_____ ¹Refers to court’s docket number.

1 (#88) entered on April 23, 2013, should be adopted and accepted, with the modification of adding the
2 word “not” on page 8, line 7, between the word “has” and the word “provided”.

3 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation (#88)
4 entered on April 23, 2013, is adopted and accepted, and is modified as per this Order, and Plaintiff’s
5 Emergency Motion to Be Able to Make and Be Heard on an Oral TRO/Preliminary Injunction About
6 Prison Condition on November 27, 2012 at 1:30 pm (#59) is DENIED.

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IT IS SO ORDERED.
DATED this 29th day of June, 2013.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE