1	TI	HE HONORABLE JOHN C. COUGHENOUR
2		
3		
4		
5		
6		
7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON	
8	AT SEATTLE	
9	GABRIEL ALLEN ECKARD,	CASE NO. C19-0579-JCC
10	Plaintiff,	ORDER
11	v.	
12	ALTA LANGDON, et al.,	
13	Defendants.	
14		

This matter comes before the Court on Plaintiff's objections (Dkt. No. 22) to the report
and recommendation ("R&R") of the Honorable Mary A. Theiler, United States Magistrate
Judge (Dkt. No. 21). Having thoroughly considered the R&R, Plaintiff's objections, and the
relevant record, the Court finds oral argument unnecessary and hereby finds and ORDERS as
follows:

The R&R sets forth the facts relevant to Plaintiff's motion, and the Court will not repeat them here. (*See* Dkt. No. 21.) Plaintiff is detained at the Snohomish County Jail and brings a *pro se* § 1983 claim against Defendants for allegedly denying him mental health care in violation of his constitutional rights. (Dkt. No. 5.) Plaintiff now moves for a preliminary injunction directing Defendants to provide him needed mental health care. (Dkt. No. 15.) The R&R observes the bare and conclusory nature of Plaintiff's argument for a preliminary injunction. (Dkt. No. 21 at 3.) The R&R concludes that although Plaintiff asserts viable constitutional claims, he has not

ORDER C19-0579-JCC PAGE - 1

20

21

22

23

24

25

26

demonstrated in the instant motion that he is likely to prevail on the merits of those claims or that the balance of hardships is clearly in his favor. (*Id.* at 4.) Therefore, the R&R recommends denying Plaintiff's motion for a preliminary injunction. (*Id.*)

Although Plaintiff timely filed objections, he does not challenge the bulk of the R&R's findings and conclusions. His sole substantive objection is that his serious mental illness, as documented in an unsigned psychiatrist's report attached to his reply brief, demonstrates that Plaintiff is entitled to mental health treatment. (*See* Dkt. Nos. 19 at 3–35, 22 at 2.) The Court agrees with the R&R's conclusion that the psychiatrist's report addresses Plaintiff's mental health condition, not what treatment Plaintiff requires. (*See* Dkt. No. 21 at 3.) And Plaintiff does not object to the R&R's conclusion that he has not established a likelihood of irreparable harm, that the balance of hardships tips in his favor, and that a preliminary injunction in is in the public interest, as required to merit injunctive relief. (*See* Dkt. No. 22); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Thus, Plaintiff has not demonstrated that he is entitled to the extraordinary remedy of injunctive relief. *See Winter*, 555 U.S. at 20. Therefore, the Court hereby ORDERS as follows:

1. Plaintiff's objections (Dkt. No. 22) are OVERRULED;

2. The report and recommendation (Dkt. No. 21) is ADOPTED;

3. Plaintiff's request for a preliminary injunction (Dkt. No. 15) is DENIED without prejudice; and

4. The Clerk is directed to send copies of this Order to Plaintiff, to counsel for Defendants, and to Judge Theiler.

DATED this 6th day of January 2020.

of C Coyhana

John C. Coughenour ' UNITED STATES DISTRICT JUDGE

ORDER C19-0579-JCC PAGE - 2