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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 MICHAEL DENTON,

7 Plaintiff,

8 v.

9 PAUL PASTOR,

10 Defendant.

CASE NO. C17-5075 BHS-TLF

ORDER ADOPTING REPORT
AND RECOMMENDATION

11 This matter comes before the Court on the Report and Recommendation (“R&R”)
12 of the Honorable Theresa L. Fricke, United States Magistrate Judge (Dkt. 63), and
13 Plaintiff’s objections to the R&R (Dkt. 69).

14 On May 25, 2017, Plaintiff filed a motion for a temporary restraining order and
15 preliminary injunction. Dkt. 42. In his motion, Plaintiff, who is in custody at the Pierce
16 County Jail, sought to compel Defendants to provide him with his legal materials that
17 were not transferred with him to Western State Hospital for safety purposes. *Id.* Plaintiff
18 has since been returned to the Pierce County Jail and, while Plaintiff initially refused the
19 return of his legal materials, the materials were ultimately returned to him upon his
20 request. *See* Dkt. 52. On September 20, 2017, Judge Fricke entered her R&R denying
21 Plaintiff’s motion. Dkt. 63. On September 28, 2017, Plaintiff objected. Dkt. 69.

1 The district judge must determine de novo any part of the magistrate judge's
2 disposition to which a party has properly objected. The district judge may accept, reject,
3 or modify the recommended disposition; receive further evidence; or return the matter to
4 the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 As noted by Judge Fricke, Plaintiff has failed to show that he will suffer
6 irreparable injury absent immediate court intervention, that he will likely prevail on the
7 merits, that the balance of potential harm weighs in his favor, or that the public interest
8 favors granting him the relief he has requested. Indeed, Plaintiff's legal documents were
9 promptly returned to him and Defendants have a legitimate basis for refusing to
10 temporarily transfer such documents to Western State Hospital in order to avoid the
11 danger of trafficking contraband between the facilities. Therefore, having considered the
12 R&R, Plaintiff's objections, and the remaining record, the Court does hereby find and
13 order as follows:

- 14 (1) The R&R is **ADOPTED**; and
15 (2) Plaintiff's motion for a temporary restraining order and preliminary
16 injunction (Dkt. 42) is **DENIED**.

17 Dated this 31st day of October, 2017.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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