UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL DAVIS,

Plaintiff,

v.

UNKNOWN, et al.,

Defendants.

No. 2:23-cv-2358 DJC CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 15, 2026, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. On June 5, 2026, Plaintiff was granted a 60-day extension of time to file objections. On July 29, 2026, Plaintiff filed objections to the findings and recommendations. On August 13, 2026, Defendants filed a response to the objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed

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the entire file, the Court finds that Plaintiff's claims are not mooted by his transfer from California State Prison-Sacramento to Salinas Valley State Prison. Plaintiff challenges the constitutionality of his confinement, as a civil pretrial detainee, in any California Department of Corrections and Rehabilitation ("CDCR") prison. (*See* SAC (ECF No. 29).) Thus, the mootness of his claims does not depend on being confined at any particular CDCR facility. Nor does the injunctive relief Plaintiff seeks depend on being confined at California State Prison-Sacramento rather than Salinas Valley State Prison. Plaintiff requests an injunction "ordering his release from the custody of CDCR" so he may be "returned to the custody of [the California State Hospital] forthwith." (SAC at 35.) Therefore, Plaintiff's claims and requested injunctive relief are not moot so long as he remains in custody at any CDCR prison.

Accordingly, IT IS HEREBY ORDERED that:

1. The Court declines to adopt the findings and recommendations (ECF No. 64);

2. This matter is referred to the Magistrate Judge for all further pretrial proceedings, including consideration of Plaintiff's motion for a temporary restraining order and preliminary injunction (ECF No. 56) on the merits.

IT IS SO ORDERED.

Dated: **September 30, 2026**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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