UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARVELLO L. TUFONO,

Plaintiff,

v.

AMANDEEP DHILLION, et al.,

Defendants.

No. 2:23-cv-02691-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTIVE RELEIF

(Doc. No. 9)

Plaintiff Arvello L. Tufono is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 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 March 4, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for a preliminary injunction (Doc. No. 1), in which he seeks an order compelling defendants to provide him with anti-seizure medications, be denied. (Doc. No. 9.) In particular, the magistrate judge concluded that any request for injunctive relief has been rendered moot because plaintiff is no longer incarcerated at the facility at which the events giving rise to his complaint allegedly occurred. (*Id.* at 2.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*)

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On March 18, 2024, plaintiff filed objections to the findings and recommendations. (Doc. No. 14.) In those objections, plaintiff concedes that "its true plaintiff has been transferred to different facilities—and defendants are no longer plaintiff's primary care providers—so it would be pointless as of now to grant a preliminary injunction for relief against defendants." (Doc. No. 14 at 3.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on March 4, 2024 (Doc. No. 9) are adopted in full;
2. Plaintiff's motion for preliminary injunctive relief (Doc. No. 1) is denied; and
3. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **July 12, 2024**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE