

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Etuete Sekona v. R. Perez

Sekona v. Perez · No. 1:19-cv-0400 · Decided August 25, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge’s findings and recommendations concerning Etuete Sekona’s request for a temporary restraining order. The court denied the motion because it was procedurally deficient, lacked merit, and did not establish extraordinary circumstances or irreparable injury.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 25, 2025
DOCKET	1:19-cv-0400
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's findings and recommendations concerning Plaintiff's construed motion for a temporary restraining order. Plaintiff filed no objections, and the district court adopted the findings and recommendations in full and denied the motion.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation identified.

TOPICS

[injunctions](#) [civil procedure](#) [prisoners rights](#) [civil rights](#)

PRACTICE AREAS

[civil rights](#) [prisoner civil rights](#) [federal civil procedure](#)

QUESTIONS PRESENTED

- Whether the magistrate judge's recommendation to deny Plaintiff's construed motion for a temporary restraining order should be adopted after de novo review.

2. Whether Plaintiff's request satisfied the procedural and substantive requirements for temporary injunctive relief under Federal Rule of Civil Procedure 65.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review under 28 U.S.C. § 636(b)(1).
2. Plaintiff's construed motion for a temporary restraining order was denied because the request was procedurally deficient under Federal Rule of Civil Procedure 65 and did not establish extraordinary circumstances or irreparable injury warranting relief.

KEY QUOTATIONS

“Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.” (at 2)

FACTUAL BACKGROUND

Etuate Sekona alleged that Defendants violated his civil rights while he was incarcerated at Kern Valley State Prison. He sought an emergency temporary restraining order to protect his right to due process, but the alleged wrongful conduct was in the past and his asserted fears about future events were speculative.

PROCEDURAL HISTORY

Plaintiff, an incarcerated person, requested an emergency temporary restraining order to protect an asserted due-process right. The magistrate judge recommended denial because the request was procedurally deficient under Federal Rule of Civil Procedure 65, lacked merit, concerned past conduct, and did not establish irreparable injury from speculative future events. After the objection period expired without objections, the district court conducted de novo review under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations, and denied the motion.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ETUATE SEKONA,) Case No.: 1:19-cv-0400 JLT HBK) 12 Plaintiff,)
ORDER ADOPTING IN FULL THE FINDINGS) AND RECOMMENDATIONS, DENYING 13
v.) PLAINTIFF’S CONSTRUED MOTION FOR A) TEMPORARY RESTRAINING ORDER

14 R. PEREZ, et al.,)) (Docs. 100, 108) 15 Defendants.)) 16 17 Etuate Sekona asserts the defendants violated his civil rights while he was incarcerated at Kern 18 Valley State Prison.

(See generally Doc. 39.) Plaintiff requested “an emergency TRO” to protect his 19 right to due process. (Doc. 100 at 1-2.) The magistrate judge found Plaintiff’s request for injunctive 20 relief was “procedurally deficient” and failed to comply with Rule 65 of the Federal Rules of Civil 21 Procedure. (Doc. 108 at 4.)

In addition, the magistrate judge determined that the motion was “without 22 merit,” and the alleged wrongful conduct identified by Defendants was in the past. (Id. at 4-5.) The 23 magistrate judge found any “[s]peculative fears” about future events did not establish an irreparable 24 injury.” (Id. at 5.) Consequently, the magistrate judge found the action did “not involve extraordinary 25 circumstances warranting the issuance of a TRO” and recommended the Court deny the motion.

(Id.) 26 The Court served the Findings and Recommendations on Plaintiff and notified him that any 27 objections were due within 14 days. (Doc. 108 at 5.) The Court advised Plaintiff that the “failure to 28 file objections within the specified time may result in the waiver of rights on appeal.” (Id. at 6, citing 1 || Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir.

2014).) Plaintiff did not file objections, and the 2 || time to do so has passed. 3 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case. 4 || Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are 5 || supported by the record and proper analysis.

Thus, the Court ORDERS: 6 1. The Findings and Recommendations dated July 29, 2025 (Doc. 108) are ADOPTED i 7 full. 8 2. Plaintiff's motion for a temporary restraining order (Doc. 100) is DENIED. 9 10 IT IS SO ORDERED. 11 |! Dated: _ August 25, 2025 (LAW ph L. wan 12 TED STATES DISTRICT JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28