

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Downs v. Jiminez

No. 2:22-cv-01021-TLN-AC (E.D. Cal. May 29, 2025) · No. 2:22-cv-01021-TLN-AC · Decided May 30, 2025

SUMMARY

The United States District Court for the Eastern District of California reviewed and adopted in full the magistrate judge’s findings and recommendations concerning Plaintiff Ivory Lewis Downs, Jr.’s motion for a temporary restraining order. The court denied the motion and referred the matter back to the assigned magistrate judge for further pretrial proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 30, 2025
DOCKET	2:22-cv-01021-TLN-AC
DISPOSITION	denied
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's findings and recommendations concerning his motion for a temporary restraining order. The district court conducted de novo review, adopted the findings and recommendations, denied the motion, and referred the matter back to the magistrate judge for further pretrial proceedings.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Ivory Lewis Downs, Jr. v. M. Jiminez, et al.

TOPICS

- injunctions
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- injunctive relief

QUESTIONS PRESENTED

- 1. Whether the magistrate judge's findings and recommendations concerning Plaintiff's motion for a temporary restraining order should be adopted after de novo review.
- 2. Whether Plaintiff's motion for a temporary restraining order should be granted.

HOLDINGS

- 1. The findings and recommendations concerning Plaintiff's motion for a temporary restraining order were supported by the record and proper analysis and were adopted in full.
- 2. Plaintiff's motion for a temporary restraining order was denied.

KEY QUOTATIONS

“Having carefully reviewed the entire file, the Court finds the March 10, 2025 findings and recommendations to be supported by the record and by proper analysis.” (at 2)

FACTUAL BACKGROUND

Ivory Lewis Downs, Jr. is a state prisoner proceeding pro se in a civil rights action under 42 U.S.C. § 1983. He sought a temporary restraining order, and a magistrate judge issued findings and recommendations addressing that motion. After Plaintiff filed timely objections, the district court reviewed the record and the magistrate judge's analysis de novo.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983 and moved for a temporary restraining order. A magistrate judge issued findings and recommendations on March 10, 2025, and Plaintiff timely objected. The district court previously adopted the findings and recommendations regarding screening but had not addressed the temporary restraining order; after conducting de novo review, it adopted the recommendations in full as to that motion and denied the motion.

DISPOSITION

denied

REMAND INSTRUCTIONS

The matter was referred back to the assigned magistrate judge for all further pretrial proceedings.

CASES CITED

- Houston v. Lack, 487 U.S. 266, 276 (1988)

OPINION

v. ORDER 14 M. JIMINEZ, et al., 15 Defendants. 16 17 Plaintiff Ivory Lewis Downs, Jr. (“Plaintiff”), a state prisoner proceeding pro se, filed this 18 civil rights action seeking relief under 42 U.S.C. § 1983.

The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) (B) and Local Rule 302. 20 On March 10, 2025, the magistrate judge filed findings and recommendations herein 21 which were served on Plaintiff and which contained notice to Plaintiff that any objections to the 22 findings and recommendations were to be filed within fourteen days.

(ECF No. 37.) Plaintiff 23 filed timely objections to the findings and recommendations on March 25, 2025.1 (ECF No. 41.) 24 In this Court’s April 8, 2025 Order, the findings and recommendations were adopted with 25 respect to the screening of the Complaint, but did not address Plaintiff’s motion for a temporary 26 1 Since Plaintiff is a prisoner proceeding pro se, he is afforded the benefit of the prison 27 mailbox rule.

Houston v. Lack, 487 U.S. 266, 276 (1988) (establishing rule that a prisoner’s court document is deemed filed on the date the prisoner delivered the document to prison officials for 28 mailing). 1 | restraining order, which was also addressed in the March 10, 2025 findings and 2 | recommendations. (ECF No. 42.) 3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 4 | Court has conducted a de novo review of this case.

Having carefully reviewed the entire file, the 5 | Court finds the March 10, 2025 findings and recommendations to be supported by the record and 6 | by proper analysis. 7 Accordingly, IT IS HEREBY ORDERED that: 8 1.

The findings and recommendations with respect to plaintiff's motion for a temporary 9 | restraining order (ECF No. 37) are ADOPTED IN FULL; 10 2. Plaintiff's motion for a temporary restraining order (ECF No. 29) is DENIED; and 11 3. This matter is referred back to the assigned magistrate judge for all further pretrial 12 || proceedings. 13 IT IS SO ORDERED.

14 | Date: May 29, 2025 Z, 16 TROY L. NUNLEY CHIEF UNITED STATES DISTRICT JUDGE
18 19 20 21 22 23 24 25 26 27 28