

**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

OPINION

(PC) Downs v. Jiminez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 IVORY LEWIS DOWNS, JR., No. 2:22-cv-01021-TLN-AC

12 Plaintiff, 13 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

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