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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LOUIS LAMON,

CASE NO. 1:09-cv-00205-LJO-SKO PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

v.

(Doc. 77)

DERRAL ADAMS, et al.,

Defendants.

Plaintiff Barry Louis Lamon (“Plaintiff”) 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 January 18, 2011, the Magistrate Judge issued a Findings and Recommendations which recommended that Plaintiff’s request for an extension of all deadlines in this lawsuit be denied and Plaintiff’s requests for preliminary injunctive relief be denied. (Doc. #77.) The Findings and Recommendations were served on all parties and contained notice to all parties that any objections to the Findings and Recommendations were to be filed within thirty (30) days of the date on which the Findings and Recommendations were served. Plaintiff filed objections on February 1, 2011. (Doc. #80.) Defendants filed a reply on February 14, 2011. (Doc. #86.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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1 Plaintiff argues that preliminary injunctive relief is appropriate to address “the existence of
2 a shadow practice of Corcoran prison officials, including the defendants, practicing and
3 promulgating retaliation against litigious inmates.” (Pl.’s Objection to Orders Dkt. ##74, 75, and
4 76 and Objection to the Findings and Recommendations of the Magistrate Judge 10, ECF No. 80.)
5 Plaintiff argues that the Court should exercise its authority under the All Writs Act to intervene on
6 Plaintiff’s behalf and order the litigation coordinator at the prison to return Plaintiff’s property to
7 him. The litigation coordinator is not a party to this lawsuit.

8 The Court lacks the authority to grant the relief requested by Plaintiff. “The All Writs Act
9 is a residual source of authority to issue writs that are not otherwise covered by statute.”
10 Pennsylvania Bureau of Correction v. U.S. Marshals Service, 474 U.S. 34, 43 (1985). “[I]t does not
11 authorize [federal courts] to issue ad hoc writs whenever compliance with statutory procedures
12 appears inconvenient or less appropriate.” Id. “The All Writs Act is not a grant of plenary power
13 to the federal courts. Rather, it is designed to aid the courts in the exercise of their jurisdiction.”
14 Plum Creek Lumber Co. v. Hutton, 608 F.2d 1283, 1289 (9th Cir. 1979). “An order is not
15 authorized under the Act unless it is designed to preserve jurisdiction that the court has acquired
16 from some other independent source in law.” Jackson v. Vasquez, 1 F.3d 885, 889 (9th Cir. 1993).

17 Plaintiff requests that the All Writs Act be used to grant relief against a third party to this
18 lawsuit for actions that are characterized as retaliatory or otherwise contrary to the law. The All
19 Writs Act does not empower the Court to grant preliminary judgment against a third party.
20 Accordingly, Plaintiff’s motions will be denied.

21 Accordingly, the Court HEREBY ORDERS that:

- 22 1. The January 18, 2011 Findings and Recommendations are ADOPTED in full; and
- 23 2. Plaintiff’s August 20, 2010 and August 25, 2010 motions are DENIED.

24 IT IS SO ORDERED.

25 **Dated: March 7, 2011**

26 **/s/ Lawrence J. O’Neill**
27 **UNITED STATES DISTRICT JUDGE**