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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THORNELL BROWN,

Plaintiff,

v.

R.J. WILLIAMS, et al.,

Defendants.

CASE NO. 1:09-cv-00792-LJO-SKO PC

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DENIAL OF MOTION

(Doc. 24)

OBJECTIONS DUE WITHIN 20 DAYS

Plaintiff Thornell Brown (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On July 9, 2010, Plaintiff filed a motion erroneously titled as a “motion to compel.” (Doc. #24.) Plaintiff’s motion actually seeks preliminary injunctive relief, as it requests the Court to order the San Diego County Sheriff’s to allow Plaintiff to have access to his legal property and to provide Plaintiff with supplies such as “ink pen fillers” and “legal copies,” as well as regular access to the law library.

The purpose of a preliminary injunction is to preserve the status quo if the balance of equities so heavily favors the moving party that justice requires the court to intervene to secure the positions until the merits of the action are ultimately determined. University of Texas v. Camenisch, 451 U.S. 390, 395 (1981). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Winter v. Natural Resources Defense Council, Inc., 129 S. Ct. 365, 374 (2008).

1 The only defendants in this action are officials from the California Correctional Institution  
2 in Tehachapi, California; the San Diego Sheriff's Department is not a party to this lawsuit. This  
3 Court does not have personal jurisdiction over the San Diego Sheriff's Department or any of the  
4 officials holding Plaintiff in custody at the San Diego County Jail.

5 "A federal court may issue an injunction if it has personal jurisdiction over the parties and  
6 subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not  
7 before the court." Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985)  
8 (emphasis added). The Court has no authority to order San Diego Sheriff's Department  
9 officials – who are not parties to this lawsuit – to give Plaintiff access to his legal property and  
10 access to the law library.

11 Accordingly, it is HEREBY RECOMMENDED that Plaintiff's July 9, 2010 motion be  
12 DENIED.

13 These Findings and Recommendations are submitted to the United States District Judge  
14 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty (20)  
15 days after being served with these Findings and Recommendations, any party may file written  
16 objections with the Court and serve a copy on all parties. Such a document should be captioned  
17 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections  
18 shall be served and filed within ten (10) days after service of the objections. The parties are advised  
19 that failure to file objections within the specified time may waive the right to appeal the District  
20 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

21  
22 IT IS SO ORDERED.

23 **Dated:** August 31, 2010

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE