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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESTER BURNETT,
Plaintiff,
v.
R. RODRIGUEZ, et al.,
Defendants.

No. 2:15-cv-0575 KJM CKD P

ORDER

This pro se prisoner civil rights action is in the discovery stage. (ECF No. 37.) Before the court are three motions by plaintiff. (ECF Nos. 41, 44 & 47.)

On May 20, 2016, plaintiff filed a motion seeking the return of his legal property after a prison transfer. (ECF No. 41.) The court ordered defendants to respond. (ECF No. 43.) Defendants responded that plaintiff received his legal property on May 28, 2016 and has responded to discovery requests. (ECF Nos. 45 & 46.) Thus this motion will be denied as moot.

On June 22, 2016, plaintiff filed a motion seeking a temporary restraining order directing the Warden to cease harassing plaintiff and enjoining him to return plaintiff's property. (ECF No. 44.) The harm for which plaintiff seeks relief is outside the scope of the Eighth Amendment claims at issue in this action. In addition, as a general rule, this court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969). Plaintiff cannot, by this motion, enjoin persons

1 who are not defendants in the underlying action, based on claims that are not set forth in the
2 operative complaint. Thus this motion will be denied.

3 On July 5, 2016, plaintiff filed a motion seeking a minimum of four hours a week in the
4 prison law library. (ECF No. 47.) Plaintiff has not demonstrated that his right of access to the
5 courts is being impaired and cannot enjoin prison officials to grant him a specific amount of
6 library time for the reasons set forth above. Thus the court will deny this motion as well.

7 Plaintiff's filing of frivolous motions is a burden on this court and impedes the proper
8 prosecution of this action. Plaintiff's future filings shall therefore be limited as set forth below.

9 Accordingly, IT IS HEREBY ORDERED THAT:

- 10 1. Plaintiff's motion for court order requiring return of property (ECF No. 41) is denied
11 as moot;
- 12 2. Plaintiff's motion for temporary restraining order (ECF No. 44) is denied;
- 13 3. Plaintiff's motion for minimum amount of time in law library (ECF No. 47) is denied;
- 14 4. Plaintiff may only file the following documents:
- 15 a. One dispositive motion, limited to one memorandum of points and authorities
16 in support of the motion and one reply to any opposition;
- 17 b. One opposition to any motion filed by defendants (and clearly titled as such);
- 18 c. Only one non-dispositive motion pending at any time. Plaintiff is limited to one
19 memorandum of points and authorities in support of the motion and one reply to any
20 opposition; and
- 21 d. One set of objections to any future findings and recommendations.

22 Failure to comply with this order shall result in improperly filed documents being stricken
23 from the record and may result in a recommendation that this action be dismissed.

24 Dated: July 28, 2016

25 
26 CAROLYN K. DELANEY
27 UNITED STATES MAGISTRATE JUDGE