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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

GERALD L. MILLER, JR.,
CDCR #C-92075,

Plaintiff,

vs.

O. RUFION; MOONGA, R.N.,

Defendants.

Civil No. 08-1233 BTM (WMc)

**ORDER DENYING MOTION FOR
RECONSIDERATION**

[Doc. No. 22]

On January 7, 2009, Plaintiff filed a “Motion to Show Cause and Motion for Temporary Restraining Order (“TRO”)” [Doc. No. 12]. The Court denied Plaintiff’s Motion for TRO on February 11, 2009. Plaintiff then filed a “Motion to Reconsider Temporary Restraining Order and Injunctive Relief” [Doc. No. 20]. The Court denied Plaintiff’s Motion to Reconsider on March 16, 2009. Plaintiff filed a document entitled “Objections to the Denial of Temporary Restraining Order with Points and Authorities” which has been filed as another “Motion for

1 Reconsideration of the Court's February 11, 2009 Order Denying Motion for Temporary
2 Restraining Order and Injunctive Relief" [Doc. No. 22].

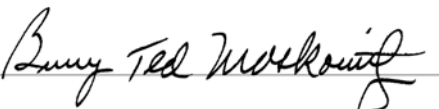
3 There are no new claims or arguments in these "objections." Instead, Plaintiff continues
4 to claim that this Court "erred" and "abused its discretion" in denying Plaintiff's Motion for
5 TRO and subsequent Motion for Reconsideration. (Pl.'s Mot. at 6-7.) Plaintiff does have the
6 right to file objections when a Magistrate Judge issues a report and recommendation pursuant
7 to 27 U.S.C.A. § 636(b)(1)(c). However, a report and recommendation was not issued for either
8 ruling that Plaintiff seeks to overturn.

9 Plaintiff's current Motion for Reconsideration [Doc. No. 22] is **DENIED** as the Court has
10 already considered his requests and reviewed his arguments in the denial of the original Motion
11 for TRO and the subsequent Motion for Reconsideration. Plaintiff's Complaint alleges claims
12 relating to lack of medical care against the defendants, who are nurses. There is no evidence that
13 these defendants have anything to do with the alleged withholding of Plaintiff's mail. The only
14 persons the Court has jurisdiction over in this case are the named defendants. Since the named
15 defendants are not involved in the events underlying Plaintiff's request for a temporary
16 restraining order, the motion for injunctive relief has been denied. Any claim of retaliatory
17 withholding of mail must be made in a new case against the responsible individuals, not in this
18 case.

19 Plaintiff may not file any further Motions to Reconsider the Court's February 11, 2009
20 Order. If he does, the Court may impose sanctions.

21 **IT IS SO ORDERED.**

22 DATED: April 8, 2009

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24 Honorable Barry Ted Moskowitz
25 United States District Judge
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