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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Hermon Shead,

Plaintiff,

v.

C/O Vong, et al.,

Defendants.

CASE NO. 1:09-cv-00006-OWW-SMS PC

ORDER DENYING PLAINTIFF'S
MOTION FOR TEMPORARY INJUNCTION

(Doc. 13)

Plaintiff Hermon Shead is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 and California law. On July 1, 2009, plaintiff filed a motion for a temporary injunction ordering the warden of Pleasant Valley State Prison (PVSP), James Yates, to remove plaintiff from his present housing in PVSP Facility B, to assign plaintiff to housing in PVSP facility C, and to return plaintiff's property.

Yates is not a party to this law suit. The court is unable to issue an order against persons or entities which are not parties to a suit pending before it. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 110 (1969).

Accordingly, Plaintiff's motion for a temporary injunction is **HEREBY DENIED.**

IT IS SO ORDERED.

Dated: September 8, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE