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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MELVIN JOSEPH SIMMONS,

CASE NO. 1:10-cv-01259-LJO-SKO PC

Plaintiff,

ORDER DENYING MOTION

v.

(Doc. 45)

DERAL G. ADAMS, et al.,

Defendants.

Plaintiff Melvin Joseph Simmons, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 14, 2010. This action is proceeding on Plaintiff’s amended complaint, filed on January 27, 2011, against Defendant Sanders for use of excessive force, in violation of the Eighth Amendment of the United States Constitution.

On September 6, 2012, Plaintiff filed a motion entitled “Plaintiff’s Motion Requesting Judicial Action of Intervention by the Attorney General.” The motion seeks no identifiable form of relief to which Plaintiff is entitled under federal law. In part, Plaintiff cites to and quotes from Federal Rule of Civil Procedure 24, which pertains to intervention. “[I]ntervention is the requisite method for a non-party to become a party to a lawsuit,” U.S. ex rel. Eisenstein v. City of New York, New York, 556 U.S. 928, 932-33, 129 S.Ct. 2230, 2234 (2009), and Plaintiff, as a party to this suit, may not seek an order requiring a non-party to intervene, Fed. R. Civ. P. 24(a), (b)(1).

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1 It is unclear what relief Plaintiff is attempting to obtain via his motion, and the motion is
2 therefore DENIED.

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6 IT IS SO ORDERED.

7 **Dated:** September 26, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE