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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 COLIN M. RANDOLPH,

11 Plaintiff,

12 v.

13 B. NIX, et al.,

14 Defendants.
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Case No. 1:12-cv-00392-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DENY
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

(ECF No. 71)

CASE TO REMAIN OPEN

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17 Plaintiff is a state proceeding pro se and in forma pauperis in this civil rights
18 action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United
19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the
20 United States District Court for the Eastern District of California.

21 On May 4, 2015, the Magistrate Judge issued findings and a recommendation to
22 deny Plaintiff's motion for a preliminary injunction. (ECF No. 71.) Plaintiff filed
23 objections. (ECF No. 76.) Defendants filed no response.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has
25 conducted a de novo review of this case. Having carefully reviewed the entire file, the
26 Court finds the findings and recommendations to be supported by the record and by
27 proper analysis. The objections do not raise an issue of fact or law under the findings
28 and recommendation.

1 The Magistrate Judge concluded that injunctive relief was not available to Plaintiff
2 because it was sought against individuals who are not parties to this action and over
3 whom the Court therefore has no jurisdiction. Thereafter, Plaintiff moved to amend his
4 complaint (ECF Nos. 73 & 74) and lodged a "First Supplemental Complaint" (ECF No.
5 75) naming some, but not all, of the individuals against whom he seeks preliminary
6 injunctive relief. His objections to the findings and recommendation are based on his
7 assumption that the First Supplemental Complaint will be filed and that new Defendants
8 will be served and will appear. However, the Court has not ruled on the motion to
9 amend or determined whether the lodged complaint may be filed, nor are the proposed
10 new Defendants presently before the Court. Accordingly, Plaintiff's motion must be
11 denied. However, it will be denied without prejudice. In the event Plaintiff is permitted to
12 proceed on his amended complaint and the proposed new Defendants are subject to
13 the jurisdiction of the Court, he may renew his motion.

14 Accordingly, it is HEREBY ORDERED that:

- 15 1. The Court adopts the findings and recommendation, filed May 4, 2015
16 (ECF No. 71), in full; and
- 17 2. Plaintiff's March 27, 2015 motion for preliminary injunction (ECF No. 68) is
18 DENIED without prejudice.

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20 IT IS SO ORDERED.

21 Dated: July 7, 2015

/s/ Lawrence J. O'Neill
22 UNITED STATES DISTRICT JUDGE
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