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8   **UNITED STATES DISTRICT COURT**

9   **EASTERN DISTRICT OF CALIFORNIA**

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11 WILSON GORRELL,   ) Case No.: 1:12-cv-0554 - JLT
)
12   Plaintiff,   ) ORDER DENYING PLAINTIFF'S MOTION FOR
) HAIR ANALYSIS TOXICOLOGICAL TESTING
13   v.   ) AND ADMINISTRATION OF POLYGRAPH
) EXAMINATION
14 THOMAS SNEATH, et al.,   )
)
15   Defendants.   ) (Doc. 99)
)
16

17   Wilson Gorrell ("Plaintiff") requests that the Court order the Bureau of Prisons to (1) "[t]ake a

18 hair sample for testing for THC metabolites by a lab designated by the Court" and (2) [d]esignate a

19 polygraph examination agency to conduct a polygraph to include questions submitted by Defendants

20 pertinent to the issue of any use of THC by the Plaintiff while in custody of the [Bureau of Prisons]."

21 (Doc. 99 at 2).

22   Significantly, the Bureau of Prisons is not a party in this action, and the Court does not have

23 jurisdiction over non-parties in this action. *See Porter v. Jennings,* 2011 U.S. Dist. LEXIS 146198 at

24 *3-4 (E.D. Cal. Dec. 20, 2011) (denying the plaintiff's request that the Court order the California

25 Department of Corrections ("CDCR") permit a state-certified polygraph examination in part because

26 the CDCR was not a party to the action and the Court lacked the jurisdiction to require the CDCR to

27 act). Moreover, the Court cannot expend public funds without authorization by Congress. *Id.,* at *3

28 (citing *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989); *United States v. MacCollom*, 426 U.S.

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317, 321, (1976)). Because Congress has not authorized funds for testing such as requested by

Plaintiff, his requests cannot be granted.

Accordingly, **IT IS HEREBY ORDERED**: Plaintiff's motion for hair analysis toxicological

testing and administration of a polygraph examination (Doc. 99) is **DENIED**.

IT IS SO ORDERED.

Dated: __**September 16, 2013**__   ___**/s/ Jennifer L. Thurston**__
                                                              UNITED STATES MAGISTRATE JUDGE