

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EDWARD POWELL,

Plaintiff,

vs.

MADDEN, *et al.*,

Defendants.

Case No. 1:13-cv-00057-RRB

ORDER REGARDING
MOTION AT DOCKET 49

At **Docket 49** Plaintiff Tony Edward Powell, a federal prisoner appearing *pro se*, filed a Motion for Preliminary Injunction seeking to compel the institution at which he is presently incarcerated to have an MRI (magnetic resonance image) taken of his lower back for diagnostic purposes. As relevant to the pending case, Powell's action arises out of a slip and fall incident that occurred while Powell was incarcerated at the U.S. Prison, Atwater, California. The remaining Defendants in this case, as relevant to his medical deliberate indifference claim, are Mrs. Mettri (Medical Administrator), Dr. Franco (Medical Officer), and P.A. Oguess (Physician's Assistant),¹ all of whom are or were employed at Atwater. Powell is currently incarcerated at the Federal Correctional Institute, Tucson, Arizona.

The insurmountable problem Powell faces is that it appears that not one of the Defendants remaining in this case, all of whom are or were employed at Atwater, have the

¹ See Screening Order, Docket 11.

capability to perform or order the performance of a MRI on Plaintiff. Indeed, Powell's motion itself seeks an order compelling the appropriate personnel at FCI, Tucson, to perform the MRI, not any of the Defendants in this case. The medical personnel Powell seeks to have this Court compel perform the requested MRI are not parties to this action and, therefore, are not subject to the jurisdiction of this Court. It is axiomatic that this Court cannot compel persons who are not subject to its jurisdiction to perform an act.² To obtain the relief he seeks, Powell must bring an appropriate action in a court of competent jurisdiction against the person(s) who have the authority to perform an MRI.

Accordingly, the Motion for a Preliminary Injunction at **Docket 49** is **DENIED**.

IT IS SO ORDERED this 11th day of March, 2014.

S/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

² *Price v. City of Stockton*, 390 F.3d 1105, 1117 (9th Cir. 2004) ("A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court.") (quoting *Zepeda v. INS*, 753 F.3d 719, 727 (9th Cir. 1983)) internal quotation marks omitted).