

1 On December 14, 2015, the Magistrate Judge issued findings and recommendations
2 recommending that plaintiff’s motion be denied. (Doc. No. 72.) The Magistrate Judge reasoned
3 that plaintiff’s complaint is based upon claims of excessive use of force and failure to protect
4 stemming from an incident that took place at Pleasant Valley State Prison, while his pending
5 motion seeks relief against Correctional Officer Davis at High Desert State Prison for events
6 outside the scope of the allegations in the complaint. (*Id.*)

7 The findings and recommendations were served on the parties and contained notice that
8 any objections had to be filed within thirty days. (*Id.*) On February 16, 2016, plaintiff filed
9 objections to the findings and recommendations. (Doc. No. 78.) Plaintiff argues that “[a]lthough
10 the court is limited to the parties before it, it may at the very least, inquire into allegations of
11 official misconduct – particularly, when, as in this case, Prison Guard Davis had made it known
12 that he was conducting himself in such a manner because Plaintiff is suing the named-
13 Defendant.” (Doc. No. 78, at 2.)

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
15 *de novo* review of this case. Having carefully reviewed the entire file, the court finds that the
16 findings and recommendations are supported by the record and by proper analysis. The assigned
17 magistrate judge properly found that the court does not have jurisdiction over prison officials at
18 High Desert State Prison and that it is without authority to grant the preliminary injunctive relief
19 which plaintiff seeks in this action. *See Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S.
20 100 (1969) (recognizing that the court cannot issue an order against individuals who are not
21 parties to a suit pending before it); *George v. Smith*, 507 F.3d 605, 607 (7th Cir.2007) (“Unrelated
22 claims against different defendants belong in different suits[.]”). The named defendant A.
23 Gutierrez is alleged to be employed at High Desert State Prison where plaintiff is currently
24 incarcerated. (Doc. No. 67, at 2.)¹

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26 ¹ If, after exhausting his administrative remedies, plaintiff believes that he can in good faith
27 allege that his mail is being interfered with by officials at High Desert State Prison in retaliation
28 for his having brought the instant civil action based upon an incident that took place at Pleasant
Valley State Prison, he may file a separate civil rights action in the Sacramento division of this
court alleging such retaliation in violation of his rights under the First Amendment.

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Accordingly, the recommendation set forth in the findings and recommendations (Doc. No. 72) will be adopted and plaintiff's motion for declaratory relief or preliminary injunction (Doc. No. 67) will be denied.

IT IS SO ORDERED.

Dated: March 29, 2016



UNITED STATES DISTRICT JUDGE