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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8
9 PERRY WASHINGTON, et al,

10 Plaintiffs,

11 v.

12 FRESNO COUNTY SHERIFF, et al.,

13 Defendants.

Case No. 1:14-cv-00129-AWI-SAB

ORDER DENYING REQUEST FOR
INJUNCTIVE RELIEF

(ECF No. 18)

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15 Plaintiffs Anthonia Washington and Perry Washington filed this action on January 29,
16 2014. Plaintiff Anthonia Washington has been attempting to receive injunctive relief on behalf
17 of Perry Washington. Currently before the Court is a motion to transfer Perry Washington out of
18 the Fresno County Jail which is signed by Anthonia Washington and her mother Peryna
19 Washington. (ECF No. 18.)

20 As Plaintiff was previously informed in the order issued February 18, 2014:

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22 Standing raises both constitutional and prudential concerns incident to the federal
23 court's exercise of jurisdiction. Coalition of Clergy, Lawyers, and Professionals
24 v. Bush, 310 F.3d 1153, 1157 (9th Cir. 2002). A prudential principle of standing
25 is that normally a plaintiff must assert his own legal rights rather than those of
26 third parties. Oregon v. Legal Services Corp., 552 F.3d 965, 971 (9th Cir. 2009);
27 Fleck and Associates, Inc. v. Phoenix, 471 F.3d 1100, 1104 (9th Cir. 2006.) In
28 some circumstances a litigant may seek relief for third persons, however, the
litigant must demonstrate 1) the litigant suffered an injury in fact; 2) that there is a
close relationship between the litigant and the individual who possesses the right
that the litigant is asserting; and 3) there is a hindrance to the individual's ability
to assert his own rights. Coalition of Clergy, Lawyers, and Professionals, 310
F.3d at 1163; Fleck and Associates, Inc., 471 F.3d at 1105 n.3; McCollum v.
California Dep't of Corrections and Rehabilitation, 647 F.3d 870, 878 (9th Cir.
2011).

1 (Order Dismissing Compl. With Leave to Amend 7:2-14.)

2 As the Magistrate Judge has previously found, and the current motion does not set forth any
3 facts to demonstrate that Plaintiff Washington is unable to assert his own legal rights. (Id. at 7:18-
4 20.) Further as the magistrate judge previously stated, this Court is well aware that the fact that an
5 individual is incarcerated does not preclude him from pursuing violations of his civil rights.

6 Further, Plaintiff Anthonia Washington was also informed in the order issued February
7 21, 2014, that she does not have standing on behalf of Perry Washington. (Order Denying Motion
8 for Reconsideration 2:6-8, ECF No. 10.) As a third party, neither Anthonia Washington nor her
9 mother have standing to seek relief for alleged violations of Perry Washington's rights. The
10 motion for injunctive relief is HEREBY DENIED.

11 IT IS SO ORDERED.

12 Dated: April 4, 2014



13 SENIOR DISTRICT JUDGE

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