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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ADAM ROBLEDO,)	Case No.: 1:14-cv-00276-BAM (PC)
)	
Plaintiff,)	ORDER DENYING MOTION FOR TEMPORARY
)	RESTRAINING ORDER AND PRELIMINARY
v.)	INJUNCTION WITHOUT PREJUDICE
)	(ECF No. 6)
D. CASTILLO, et al.,)	
)	
Defendants.)	
)	
)	
)	
)	

Plaintiff Adam Robledo (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on February 28, 2014. Plaintiff’s complaint concerns allegations of excessive force, denial of medical care, and deliberate indifference to his health and safety.

On March 13, 2014, Plaintiff filed a document entitled “(T.R.O.) Order to Show Cause for Preliminary Injunction and Temporary Restraining Order.” (ECF No. 6, p. 1.) The document appears to be a proposed order to show cause and injunction against Defendants for the Court’s signature. (ECF No. 6, p. 6.) Insofar as Plaintiff’s document is construed as a motion for temporary restraining order and preliminary injunction, the motion is deficient and shall be denied without prejudice to refiling.

1 The analysis for a temporary restraining order is substantially identical to that for a preliminary
2 injunction, Stuhlbarg Intern. Sales Co., Inc. v. John D. Brush and Co., Inc., 240 F.3d 832, 839 n.7 (9th
3 Cir. 2001), and “[a] preliminary injunction is an extraordinary remedy never awarded as of right.”
4 Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 24, 129 S.Ct. 365, 376 (2008) (citation
5 omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on
6 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
7 balance of equities tips in his favor, and that an injunction is in the public interest.” Id. at 20 (citations
8 omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled to
9 relief. Id. at 22 (citation omitted).

10 Here, Plaintiff’s proposed order does not establish that he is likely to succeed on the merits or
11 suffer irreparable harm in the absence of an injunction, that the balance of equities tips in his favor or
12 that an injunction is in the public interest. Rather, the proposed order merely includes a list of things
13 that defendants should be restrained from doing, including, among other things, stalking, harassing,
14 gender profiling, terrorizing, stealing, destroying property, staging violence and incidents, and
15 falsifying reports. (ECF No. 66, pp. 2-3.)

16 Additionally, “a court has no power to adjudicate a personal claim or obligation unless it has
17 jurisdiction over the person of the defendant.” Zenith Radio Corp. v. Hazeltine Research, Inc., 395
18 U.S. 100, 110, 89 S.Ct. 1562 (1969); S.E.C. v. Ross, 504 F.3d 1130, 1138-39 (9th Cir. 2007). In this
19 case, the Court has not screened Plaintiff’s complaint to determine whether it states a cognizable
20 claim, no defendant has been ordered served and no defendant has yet made an appearance. At this
21 juncture, the Court lacks personal jurisdiction over the defendants and it cannot issue an order
22 requiring them to take any action. Zenith Radio Corp., 395 U.S. at 110; Ross, 504 F.3d at 1138-39.
23 The Court will screen Plaintiff’s complaint in due course.

24 For these reasons, Plaintiff’s motion for a temporary restraining order and a preliminary
25 injunction, filed on March 13, 2014, is DENIED without prejudice.

26 IT IS SO ORDERED.

27 Dated: September 4, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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