



1 Equity v. Wilson, 122 F.3d 692, 700 (9th Cir. 1997); Oakland Tribune, Inc. v. Chronicle  
2 Publ'g Co., 762 F.2d 1374, 1376 (9th Cir. 1985). The two formulations represent two  
3 points on a sliding scale with the focal point being the degree of irreparable injury shown.  
4 See Oakland Tribune, 762 F.2d at 1376. Under any formulation of the test, however, the  
5 moving party must demonstrate that there exists a significant threat of irreparable injury.  
6 See id. In the absence of a significant showing of possible irreparable harm, the court  
7 need not reach the issue of likelihood of success on the merits. See id. The loss of  
8 money, or an injury whose measure of damages can be calculated in terms of money, will  
9 not be considered irreparable. See id. at 1334-35.

## 10 **II. DISCUSSION**

11 The actions that give rise to Plaintiff's complaint occurred while he was housed at  
12 Wasco State Prison ("WSP") in Wasco, California. He is currently incarcerated at  
13 California Medical Facility ("CMF") in Vacaville, California. In his motion for an immediate  
14 preliminary injunction, Plaintiff asks the Court to order nonparty CMF officials to issue him  
15 a lower bunk chrono.

16 Plaintiff's request to enjoin nonparties at CMF is denied. Plaintiff's claim about  
17 CMF staff members' refusal to issue a lower bunk is unrelated to the claims asserted in  
18 Plaintiff's complaint – namely, that WSP Defendants acted with deliberate indifference by  
19 refusing to provide Plaintiff medical care following a fall from a bunk. A preliminary  
20 injunction may grant "intermediate relief of the same character as that which may be  
21 granted finally." De Beers Consol. Mines v. U.S., 325 U.S. 212, 220 (1945). However, a  
22 court should not issue an injunction when the relief sought is not of the same character  
23 and the injunction deals with a matter lying wholly outside the issues in the underlying  
24 action. Id. Also, as a general rule, a court may not enter an injunction against persons not  
25 parties to the case before it absent some substantial relationship. See Zepeda v. U.S.  
26 INS, 753 F.2d 719, 727 (9th Cir. 1984).

1 **III. CONCLUSION**

2 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for  
3 immediate preliminary injunction (ECF No. 26) is DENIED.

4  
5 IT IS SO ORDERED.

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7 Dated: November 24, 2015

8 /s/ Michael J. Seng  
9 UNITED STATES MAGISTRATE JUDGE