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6	UNITED STATES DISTRICT COURT		
7	EASTERN DISTRICT OF CALIFORNIA		
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9	MICHAEL GONZALES,	Case No. 1:15-cv-00924-SKO (PC)	
10	Plaintiff,	EINDINCE AND RECOMMENDATIONS	
11	V.	FINDINGS AND RECOMMENDATIONS TO DENY PLAINTIFF'S REQUEST FOR PRELIMINARY INJUNCTIVE RELIEF	
12	PODSAKOFF, et al.,		
13	Defendants.	(Doc. 47)	
14		TWENTY-ONE (21) DAY DEADLINE	
15	5 FINDINGS		
16	I. <u>Introduction</u>		
17	Plaintiff, Michael Gonzales, is a state prisoner proceeding pro se and in forma pauperis in		
18	this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff proceeds in this action based on		
19	allegations that the defendants involuntarily tainted his food with antipsychotic medications at		
20	California State Prison in Corcoran, California ("CSP-Cor") without a Keyhea order. ¹ On August		
21	28, 2017, Plaintiff filed a motion seeking injunctive relief. (Doc. 47.) Defendants did not file an		
22	opposition within the permitted time period. Plaintiff's motion is deemed submitted. L.R. 230(<i>l</i>).		
23	In his motion, Plaintiff alleges that "Defendants and others" continue to engage in		
24	activities tainting his food with antipsychotic medication, placing him in imminent danger of		
25	harm because it is burning his esophagus. Plaintiff alleges that Defendant "Nurse Gonzales et al.		
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27	¹ <i>Keyhea v. Rushen</i> , 178 Cal.App.3d 526, 542 (Cal. Ct. App. 1986), sets forth the substantive and procedural safeguards which must be adhered to when the state seeks to involuntarily medicate state prisoners with long-term		
28	psychotropic medications. Such courts orders are commonly known as " <i>Keyhea</i> orders."		

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nurses have started medicating" his Mintox tablets so that now even his antacids are burning and
damaging his esophagus.

II. <u>Discussion</u>

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Federal courts are courts of limited jurisdiction and in considering a request for 4 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it 5 have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 6 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church 7 and State, Inc., 454 U.S. 464, 471 (1982). Requests for prospective relief are further limited by 8 18 U.S.C. § 3626 (a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court 9 ensure the relief "is narrowly drawn, extends no further than necessary to correct the violation of 10 the Federal Right, and is the least intrusive means necessary to correct the violation of the Federal 11 Right." 12

The pendency of this action does not give the Court jurisdiction over prison personnel in 13 general. Summers v. Earth Island Institute, 555 U.S. 488, 492-93 (2009); Mayfield v. United 14 States, 599 F.3d 964, 969 (9th Cir. 2010). "A federal court may issue an injunction if it has 15 personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not 16 attempt to determine the rights of persons not before the court." Zepeda v. United States 17 Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985). The Court's jurisdiction is thus limited 18 to the parties in this action and to the cognizable legal claims upon which it proceeds. *Summers*, 19 129 S.Ct. at 1148-49; Mayfield, 599 F.3d at 969. Hence, to the extent Plaintiff's motion is based 20 on the actions of "others" and "et al nurses" it must be denied for lack of jurisdiction. 21

Further, "[a] preliminary injunction is an extraordinary remedy never awarded as a matter of right." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 24 (2008) (citations omitted). "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits and to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Id.*, at 24 (citations and quotations omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled to such relief. *Id.*, at 22.

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1	Plaintiff has attached a few pages of his medical records to his motion. However, Plaintiff	
2	neither attaches a declaration from a qualified medical professional explaining his medical	
3	condition and its cause, nor provides any basis to support a finding that he is qualified to render	
4	such opinions. Fed. R. Evid. 702. As such, Plaintiff has not demonstrated likelihood of success	
5	on the merits, likelihood of irreparable harm, a balance of equities in his favor, or that an	
6	injunction is in the public interest.	
7	RECOMMENDATIONS	
8	Accordingly, it is HEREBY RECOMMENDED that Plaintiff's motion for preliminary	
9	injunction, filed on August 28, 2017, (Doc. 47), be denied without prejudice.	
10	These Findings and Recommendations will be submitted to the United States District	
11	Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within 21	
12	days after being served with these Findings and Recommendations, the parties may file written	
13	objections with the Court. The document should be captioned "Objections to Magistrate Judge's	
14	Findings and Recommendations." The parties are advised that failure to file objections within the	
15	specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834,	
16	839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).	
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18	IT IS SO ORDERED.	
19	Dated: February 13, 2018 Isl Sheila K. Oberto	
20	UNITED STATES MAGISTRATE JUDGE	
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