

1 may only be awarded upon a clear showing that the plaintiff is entitled to relief. Id. at 22 (citation
2 omitted).

3 “[A] court has no power to adjudicate a personal claim or obligation unless it has
4 jurisdiction over the person of the defendant.” Zenith Radio Corp. v. Hazeltine Research, Inc.,
5 395 U.S. 100, 110 (1969); SEC v. Ross, 504 F.3d 1130, 1138–39 (9th Cir. 2007). In this case,
6 Plaintiff has not yet filed an amended complaint, the Court has not screened Plaintiff’s amended
7 complaint to determine whether it states a cognizable claim, no defendant has been ordered
8 served, and no defendant has yet made an appearance. At this juncture, the Court lacks personal
9 jurisdiction over the defendant and it cannot issue an order requiring it to take any action. Zenith
10 Radio Corp., 395 U.S. at 110; Ross, 504 F.3d at 1138–39.

11 Similarly, the pendency of this action does not give the Court jurisdiction over prison
12 officials in general or over Plaintiff’s litigation issues. Summers v. Earth Island Institute, 555
13 U.S. 488, 492-93 (2009); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010). The
14 Court’s jurisdiction is limited to the parties in this action and to the cognizable legal claims upon
15 which this action is proceeding. Summers, 555 U.S. at 492-93; Mayfield, 599 F.3d at 969. The
16 Court cannot order prison staff to provide litigation supplies to Plaintiff.

17 To the extent Plaintiff’s motion seeks an extension of time to file his amended complaint,
18 Plaintiff has recently been granted a second extension of time, and therefore the request will be
19 denied as moot. Plaintiff’s amended complaint is currently due on or before November 20, 2017.
20 (ECF No. 43.)

21 Accordingly, it is HEREBY RECOMMENDED that Plaintiff’s motion for a preliminary
22 injunction (ECF No. 37) be DENIED without prejudice.

23 These Findings and Recommendations will be submitted to the United States District
24 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
25 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may
26 file written objections with the Court. The document should be captioned “Objections to
27 Magistrate Judge’s Findings and Recommendation.” Plaintiff is advised that failure to file
28 objections within the specified time may result in the waiver of the “right to challenge the

1 magistrate's factual findings" on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
2 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

3
4 IT IS SO ORDERED.

5 Dated: November 6, 2017

/s/ Barbara A. McAuliffe
6 UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28