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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY JONES,

Plaintiff,

v.

ARNETTE, et al.,

Defendants.

No. 16-cv-01212-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR INJUNCTIVE
RELIEF

(Doc. Nos. 62, 70, 75)

Plaintiff Jeremy Jones is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12132. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On March 4, 2021, the assigned magistrate judge issued findings and recommendations, construing plaintiff’s motion to compel as a motion for a preliminary injunction and recommending that plaintiff’s motion for preliminary injunctive relief be denied. (Doc. No. 70.) Plaintiff had requested a court order compelling prison officials at Kern Valley State Prison (“KVSP”) to give him access to boxes of his legal property that are in storage “because he is not allowed more than six cubic feet of property in his cell.” (*Id.* at 2.) The assigned magistrate judge recommended denying plaintiff’s motion because “the court lacks personal jurisdiction”

1 over KVSP officials as they are not currently before the court in this case, which involves
2 “defendants at California State Prison-Los Angeles County in Lancaster, California (CSP-
3 Lancaster) for events occurring when Plaintiff was incarcerated there.” (*Id.*) Those findings and
4 recommendations were served on plaintiff and contained notice that any objections thereto were
5 to be filed within fourteen (14) days from the date of service. (*Id.* at 3.) On April 5, 2021,
6 plaintiff filed objections to the pending findings and recommendations. (Doc. No. 75.) Therein,
7 plaintiff appears to assert that this case originated at California State Prison Corcoran (“CSP-
8 Corcoran”), which is part of the California Department of Corrections (“CDCR”) as is KVSP.
9 (*Id.* at 2.) Plaintiff argues that because the two prisons are part of the same CDCR entity, this
10 court has jurisdiction over the KVSP officials, as well as the CSP-Corcoran officials. (*Id.*)
11 However, even if this action did arise at CSP-Corcoran, as plaintiff contends, the court would still
12 lack jurisdiction over the KVSP officials for the same reasons articulated in the pending findings
13 and recommendations, namely that the KVSP officials have not been named as defendants in this
14 action and are not before the court in this case.

15 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
16 court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the
17 court finds the findings and recommendations to be supported by the record and by proper
18 analysis.

19 Accordingly,

- 20 1. The findings and recommendations issued on March 4, 2021 (Doc. No. 70) are
21 adopted in full;
- 22 2. Plaintiff’s motion for a preliminary injunction (Doc. No. 62) is denied; and

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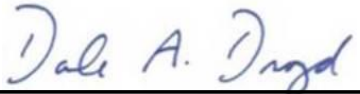
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3. This case is referred back to the assigned magistrate judge for further proceedings consistent with this order, including resolution of plaintiff's second motion to compel and response to the court's order to show cause, which were filed together with plaintiff's objections to the findings and recommendations on April 5, 2021. (Doc. No. 75.)

IT IS SO ORDERED.

Dated: April 19, 2021


UNITED STATES DISTRICT JUDGE