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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICARDO MARTINEZ,  
  
Plaintiff,  
  
v.  
  
D. DAVEY,  
  
Defendant.

1:16-cv-01658-AWI-MJS (PC)  
**ORDER GRANTING PLAINTIFF'S FIRST  
MOTION TO EXTEND TIME TO AMEND  
OR RESPOND**  
**THIRTY DAY DEADLINE TO AMEND OR  
RESPOND TO SCREENING ORDER**  
**FINDINGS AND RECOMMENDATIONS TO  
DENY PLAINTIFF'S REQUEST FOR  
INJUNCTIVE RELIEF**  
  
(ECF No. 32)  
**FOURTEEN (14) DAY OBJECTION  
DEADLINE**

Plaintiff is a state prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983.

On March 19, 2018, Plaintiff filed an "Objection Letter to the Court" stating his inability to timely comply with the Court's order and requesting injunctive relief. (ECF No. 32.)

**I. Extension of Time**

The Court construes Plaintiff's objections as request for an extension of time.

1 Plaintiff states that he does not currently have access to his legal materials due to a  
2 transfer. He seeks additional time to secure these materials and prepare an appropriate  
3 response.

4 Good cause having been presented to the Court, Plaintiff is granted thirty (30)  
5 days from the date of service of this order in which to file an amended complaint or  
6 otherwise respond to the Court's screening Order.

## 7 **II. Preliminary Injunction**

8 Plaintiff also requests Court assistance with various current and future-expected  
9 care health care issues. The Court construes this as a request for injunctive relief.

10 Plaintiff is currently incarcerated at Kern Valley State Prison ("KVSP"); his  
11 complaint is based on events at California State Prison, Corcoran ("CSP"). (See ECF  
12 No. 23.) The Court screened Plaintiff's second amended complaint and found no  
13 cognizable claims. (ECF No. 31.) No other parties are currently before the Court.

14 Federal courts are courts of limited jurisdiction. The pendency of this action does  
15 not give the Court jurisdiction over prison officials in general or enable it to provide relief  
16 that is not the subject of the operative complaint. Summers v. Earth Island Institute, 555  
17 U.S. 488, 492-93 (2009); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010).  
18 The Court's jurisdiction is limited to the parties in this action and to the cognizable legal  
19 claims upon which the action proceeds. Summers, 555 U.S. at 491-93; Mayfield, 599  
20 F.3d at 969. A court should not issue an injunction when the relief sought is not of the  
21 same character as that sought in the underlying action and the injunction deals with a  
22 matter lying wholly outside the issues in the underlying action. De Beers Consol. Mines  
23 v. U.S., 325 U.S. 212, 220 (1945). Moreover, while "[a] federal court may issue an  
24 injunction if it has personal jurisdiction over the parties and subject matter jurisdiction  
25 over the claim; *it may not attempt to determine the rights of persons not before the*  
26 *court.*" Zepeda v. United States Immigration Serv., 753 F.2d 719, 727 (9th Cir. 1985)  
27 (emphasis added).  
28

1 Here, the individuals in charge of Plaintiff's healthcare are not before the court.  
2 The Court does not have jurisdiction to order non-parties to act.

3 Therefore, to the extent that Plaintiff is requesting injunctive relief, the Court will  
4 recommend his motion be denied.

5 **III. Conclusion**

6 The Court finds that Plaintiff has set forth good cause to justify a thirty day  
7 extension of time. However, under the circumstances, Plaintiff is not entitled to  
8 preliminary injunctive relief.

9 Accordingly, it is HEREBY ORDERED that Plaintiff's request for an extension of  
10 time is GRANTED. Further, it is HEREBY RECOMMENDED that Plaintiff's request for  
11 preliminary injunctive relief be DENIED.

12 These Findings and Recommendation are submitted to the United States District  
13 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
14 Within thirty (30) days after being served with these Findings and Recommendation, any  
15 party may file written objections with the Court and serve a copy on all parties. Such a  
16 document should be captioned "Objections to Magistrate Judge's Findings and  
17 Recommendation." Any reply to the objections shall be served and filed within ten (10)  
18 days after service of the objections. The parties are advised that failure to file objections  
19 within the specified time may waive the right to appeal the District Court's order.  
20 Martinez v. Ylst, 951 F.2d 1153 (9th Cir.1991).

21 IT IS SO ORDERED.

22  
23 Dated: April 4, 2018

24 /s/ Michael J. Seng  
25 UNITED STATES MAGISTRATE JUDGE  
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