

1 states that he has filed an institutional grievance on the matter and is awaiting a response.

2 Plaintiff seeks a court order that the officers be compelled to return his paperwork.

3 The Court liberally construes Plaintiff's filing as a motion seeking a preliminary
4 injunction against prison officials at CSP-Sac to return his legal property. The Court addresses
5 the motion without need of Defendants' response. Local Rule 230(1).

6 **II. Discussion**

7 **A. Legal Standard**

8 "A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter*
9 *v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). "A plaintiff seeking a
10 preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to
11 suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his
12 favor, and that an injunction is in the public interest." *Id.* at 20 (citations omitted). An injunction
13 may only be awarded upon a clear showing that the plaintiff is entitled to relief. *Id.* at 22 (citation
14 omitted).

15 "[A] court has no power to adjudicate a personal claim or obligation unless it has
16 jurisdiction over the person of the defendant." *Zenith Radio Corp. v. Hazeltine Research, Inc.*,
17 395 U.S. 100, 110 (1969); *SEC v. Ross*, 504 F.3d 1130, 1138–39 (9th Cir. 2007). Similarly, the
18 pendency of this action does not give the Court jurisdiction over prison officials in general.
19 *Summers v. Earth Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599
20 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties in this action and
21 to the cognizable legal claims upon which this action is proceeding. *Summers*, 555 U.S. at 492-
22 93; *Mayfield*, 599 F.3d at 969.

23 **B. Analysis**

24 Here, Plaintiff seeks an injunction against prison officials who are not parties to this
25 action, and on issues not related to the substance of his claim, which the Court is without
26 jurisdiction to grant. Further, Plaintiff has not made the clear showing that it is necessary to issue
27 injunctive relief in this matter. His brief filing only shows that he is currently working on
28 obtaining his legal property from prison officials through the grievance process.

1 Discovery has only recently opened in this case on November 19, 2018 (Doc. No. 33), and
2 there remains about six months left of the period to complete discovery. There should be ample
3 time for Plaintiff to obtain his materials again and continue his work on discovery in this case.
4 Should Plaintiff be extraordinarily delayed, he may seek an extension of time by filing a motion
5 on good cause shown. Defense counsel is also encouraged to facilitate the return of Plaintiff's
6 legal property to the extent possible, which may help avoid delays in these proceedings. These
7 current circumstances are not sufficient for the extraordinary remedy of court interference in
8 prison administration.

9 **III. Recommendation**

10 Accordingly, it is HEREBY RECOMMENDED that Plaintiff's motion for a preliminary
11 injunction (Doc. No. 34) be DENIED.

12 These Findings and Recommendations will be 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). Within
14 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may
15 file written objections with the Court. The document should be captioned "Objections to
16 Magistrate Judge's Findings and Recommendation." Plaintiff is advised that failure to file
17 objections within the specified time may result in the waiver of the "right to challenge the
18 magistrate's factual findings" on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
19 (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

20
21 IT IS SO ORDERED.

22 Dated: January 18, 2019

23 /s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE
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