

1 Here, Plaintiff's motion does not establish that he is likely to succeed on the merits, that
2 he will suffer irreparable harm in the absence of an injunction, that the balance of equities tips in
3 his favor, or that an injunction is in the public interest. Rather, the motion merely states that
4 "Title 15 Section 3177(1)(A)(B) violates the United States Constitution's Deliberate Indifference,
5 Cruel and Unusual Punishment, Unequal Treatment Among Prisoners, and the Equal Protection
6 Clause." (ECF No. 3, p. 1.)

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

14 Accordingly, it is HEREBY RECOMMENDED that Plaintiff's motion for a temporary
15 restraining order and a preliminary injunction (ECF No. 3) be DENIED without prejudice.

16 These Findings and Recommendations will be submitted to the United States District
17 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
18 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may
19 file written objections with the Court. The document should be captioned "Objections to
20 Magistrate Judge's Findings and Recommendation." Plaintiff is advised that failure to file
21 objections within the specified time may result in the waiver of the "right to challenge the
22 magistrate's factual findings" on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
23 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).
24 IT IS SO ORDERED.

25 Dated: May 12, 2017

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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