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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER LIPSEY, JR.,	)	1:17-cv-00569-LJO-BAM (PC)
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS
	)	RECOMMENDING DENIAL OF
vs.	)	PLAINTIFF’S MOTION FOR A
	)	PRELIMINARY INJUNCTION
DR. REDDY, et al.,	)	[Doc. 49]
	)	
Defendants.	)	

Plaintiff Christopher Lipsey is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This case proceeds on Plaintiff’s third amended complaint against Defendants Hernandez, Celedon, and Mancilla for excessive force in violation of the Eighth Amendment.

Currently before the Court is Plaintiff’s motion for preliminary injunction, filed on May 29, 2018. (Doc. 49.) Plaintiff states that he has recently moved (and a change of address form was filed in this case, (Doc. 47), but he has not yet received his property, including legal documents pertinent to this matter. Plaintiff seeks an order directing that his property be sent to his current housing location as soon as possible. The Court finds no response from Defendants is necessary, and shall address Plaintiff’s request. Local Rule 230(1).

“A preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to

1 suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his  
2 favor, and that an injunction is in the public interest.” *Id.* at 20 (citations omitted). An injunction  
3 may only be awarded upon a clear showing that the plaintiff is entitled to relief. *Id.* at 22 (citation  
4 omitted).

5 “[A] court has no power to adjudicate a personal claim or obligation unless it has  
6 jurisdiction over the person of the defendant.” *Zenith Radio Corp. v. Hazeltine Research, Inc.*,  
7 395 U.S. 100, 110 (1969); *SEC v. Ross*, 504 F.3d 1130, 1138–39 (9th Cir. 2007). Similarly, the  
8 pendency of this action does not give the Court jurisdiction over prison officials in general.  
9 *Summers v. Earth Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599  
10 F.3d 964, 969 (9th Cir. 2010). The Court’s jurisdiction is limited to the parties in this action and  
11 to the cognizable legal claims upon which this action is proceeding. *Summers*, 555 U.S. at 492-  
12 93; *Mayfield*, 599 F.3d at 969.

13 Here, Plaintiff seeks an injunction against prison officials who are not parties to this  
14 action, at an institution at which he is no longer housed, and on issues not related to the  
15 substance of his claim. The Court has no jurisdiction to issue the specific relief sought here.

16 More importantly, Plaintiff has not made the clear showing that it is necessary to issue  
17 injunctive relief in this matter. Plaintiff states that it has been about a month since he has been  
18 without his property, and that he filed a 602, but it has gone unanswered. Plaintiff further states  
19 that CDCR does not oppose him having his property, however, he believes his property is not  
20 being sent due to a 602.

21 In this Court’s experience, it is not unusual for property transfers to take some time  
22 following a housing relocation, and Plaintiff should receive his property in due course. Plaintiff  
23 has not shown any cause for interfering with prison officials’ regular procedures in these matters.  
24 Further, Plaintiff can be accommodated with a reasonable extension of time to allow for his  
25 property to continue to be processed and moved. Therefore, by separate order, the Court will  
26 grant Plaintiff a thirty-day extension of time to allow for him to obtain his legal property.

27 Accordingly, it is **HEREBY RECOMMENDED** that Plaintiff’s motion for a preliminary  
28 injunction (Doc. 49) be **DENIED**.

