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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY L. ROBINSON,
Plaintiff,

v.

DAVE DAVEY, et al.,
Defendants.

No. 1:17-cv-01524-DAD-GSA (PC)

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

(Doc. Nos. 78, 80)

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. This action proceeds on plaintiff’s claim against defendant German for use of excessive force and against defendants Peterson and S. Gonzales for failing to provide adequate medical care in violation of the Eighth Amendment. (Doc. Nos. 52, 68.)

On February 22, 2021, plaintiff filed a “motion for request for extension of time,” in which he seeks a court order requiring officials at California State Prison-Sacramento (where plaintiff was previously incarcerated) to send his legal property to him, and requiring officials at the Los Angeles County Mens Central Jail (where plaintiff is currently in custody), to provide him with ink pens, legal copies, legal supplies, and envelopes. (Doc. No. 78.) On March 22, 2021, the assigned magistrate judge construed plaintiff’s motion as a motion for preliminary

1 injunctive relief and issued findings and recommendations recommending plaintiff's motion be
2 denied because the court lacked personal jurisdiction over CSP-Sacramento and Los Angeles
3 County Mens Central Jail, as neither of those institutions are parties in this action. (Doc. No. 80
4 at 2–3.) Those findings and recommendations were served on the parties and contained notice
5 that any objections thereto were to be filed within fourteen (14) days. On April 5, 2021, plaintiff
6 filed objections to the pending findings and recommendations. (Doc. No. 81.) None of the
7 defendants filed a response to plaintiff's objections to the findings and recommendations or any
8 objections of their own, and the time in which to do so has now passed.

9 In his objections, plaintiff does not meaningfully object to the magistrate judge's analysis
10 and conclusion that the court lacks jurisdiction to order the injunctive relief that plaintiff seeks in
11 his pending motion. Rather than address the magistrate judge's findings with regard to CSP-
12 Sacramento and Los Angeles County Mens Central Jail, plaintiff contends that the court can and
13 should order the relief he seeks from two other entities—neither of which are parties in this
14 action. (Doc. No. 81.) First, plaintiff argues that because defendants are represented by an
15 attorney from the California Department of Justice, that attorney has “the authority of the
16 executive branch [and] can have the secretary of the CDCR to have CSP-Sacramento new
17 Folsom's warden, send [his] property to Los Angeles County Mens Central Jail.” (*Id.* at 2–3.)
18 Second, plaintiff appears to argue that this court has authority to order the Los Angeles County
19 Sheriff to provide him with the ink pens, stamps, pleading papers, and envelopes that he has
20 requested. (*Id.* at 3.) However, plaintiff's arguments fail for the same reasons articulated in the
21 pending findings and recommendations, namely that neither of those entities have been named as
22 defendants in this action and are thus not parties before the court in this case.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the undersigned has
24 conducted a *de novo* review of the case. Having carefully reviewed the entire file, including
25 plaintiff's objections, the undersigned concludes that the findings and recommendations are
26 supported by the record and proper analysis.

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28 ////

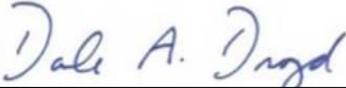
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Accordingly:

1. The findings and recommendations issued on March 22, 2021 (Doc. No. 80) are adopted in full; and
2. Plaintiff's motion for a preliminary injunction (Doc. No. 78) is denied.

IT IS SO ORDERED.

Dated: April 26, 2021



UNITED STATES DISTRICT JUDGE