

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

EARNEST S. HARRIS,) Case No.: 1:18-cv-00080-DAD-SAB (PC)
)
Plaintiff,)
)
v.) ORDER DENYING PLAINTIFF’S MOTION
) TO MODIFY AND/OR TERMINATE A
) COURT ORDER
SEXON, et al.,)
) [ECF No. 23]
Defendants.)
)
)
)

Plaintiff Earnest S. Harris is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

This action is proceeding against Defendants Sexton, Aquirre, Stewart, Lambert, Gutierrez, L. Cellobos, and I. Ramirez for subjecting Plaintiff to conditions of confinement in regarding to conducting the guard one system security check in violation of the Eighth Amendment.

Currently before the Court is Plaintiff’s motion to modify and/or terminate a court order in Coleman v. Brown, Case No. 2:90-cv-00520-KJM-DB (E.D. Cal.), filed August 14, 2018. (ECF No. 23.) More specifically, Plaintiff requests that the Court terminate the portion of the guard one system that includes all inmates in administrative segregation, security housing unit, and condemn units.

“A district court retains jurisdiction to enforce its judgments.” Hook v. Ariz. Dept. of Corr., 972 F.2d 1012, 1014 (9th Cir. 1992) (citing City of Las Vegas v. Clark County, Nev., 755 F.2d 697, 701 (9th Cir. 1985); see also Skelly v. Dockweiler, 75 F.Supp. 11, 17 (S.D. Cal. 1947) (noting that a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

court may choose not to exercise its jurisdiction when another court having jurisdiction over the same matter has entertained it and can achieve the same result). Plaintiff cannot seek to modify and/or terminate the court orders provided in the Coleman action. A claim regarding a modification and/or termination of the Coleman orders requires action to be requested in the action that issued the order. See Hook, 972 F.2d at 1014. Plaintiff therefore cannot seek here any modification or termination of those court orders.

IT IS SO ORDERED.

Dated: August 14, 2018


UNITED STATES MAGISTRATE JUDGE