

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 LUIS RENTERIA,

12 Plaintiff,

13 vs.

14 KABIR MATHARU, et al.,

15 Defendants.
16

1:185-cv-00497-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF BE DENIED
(ECF No. 4.)

OBJECTIONS, IF ANY, DUE WITHIN 14
DAYS

17 **I. BACKGROUND**

18 Luis Renteria (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in
19 this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing
20 this action on April 12, 2018, together with a motion for preliminary injunctive relief. (ECF
21 Nos. 1, 3.)

22 **II. PRELIMINARY INJUNCTIVE RELIEF**

23 The purpose of a preliminary injunction is to preserve the status quo if the balance of
24 equities so heavily favors the moving party that justice requires the court to intervene to secure
25 the positions until the merits of the action are ultimately determined. University of Texas v.
26 Camensisch, 451 U.S. 390, 395 (1981). A preliminary injunction is available to a plaintiff who
27 “demonstrates either (1) a combination of probable success and the possibility of irreparable
28 harm, or (2) that serious questions are raised and the balance of hardship tips in its favor.”

1 Arcamuzi v. Continental Air Lines, Inc., 819 F. 2d 935, 937 (9th Cir. 1987). Under either
2 approach the plaintiff “must demonstrate a significant threat of irreparable injury.” Id. Also,
3 an injunction should not issue if the plaintiff “shows no chance of success on the merits.” Id.
4 At a bare minimum, the plaintiff “must demonstrate a fair chance of success of the merits, or
5 questions serious enough to require litigation.” Id.

6 In cases brought by prisoners involving conditions of confinement, any preliminary
7 injunction must be narrowly drawn, extend no further than necessary to correct the harm the
8 court finds requires preliminary relief, and be the least intrusive means necessary to correct the
9 harm. 18 U.S.C. § 3626(a)(2).

10 **Discussion**

11 Plaintiff requests an order requiring defendants to refrain from denying him medication
12 and retaliating against him. Plaintiff filed the Complaint for this action on April 12, 2018, and
13 the Complaint awaits the court’s screening. The Court therefore cannot opine that Plaintiff is
14 likely to succeed on the merits of his claims. Furthermore, no defendants have yet appeared in
15 this action, and the court does yet not have jurisdiction to order injunctive relief which would
16 require directing individuals not before the Court to take action. Zepeda v. United States
17 Immigration & Naturalization Serv., 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may
18 issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction
19 over the claim; it may not attempt to determine the rights of persons not before the court.”).

20 Therefore, Plaintiff’s motion must be denied at this juncture. Plaintiff is not precluded
21 from renewing the motion at a later stage of the proceedings.

22 **III. CONCLUSION AND RECOMMENDATIONS**

23 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that Plaintiff’s motion
24 for preliminary injunction, filed on April 12, 2018, be DENIED, without prejudice.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**
27 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file
28 written objections with the court. Such a document should be captioned “Objections to

1 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
2 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
3 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
4 (9th Cir. 1991)).

5
6 IT IS SO ORDERED.

7 Dated: May 7, 2018

/s/ Gary S. Austin
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28