



1 proceeds. (ECF No. 16, pp. 7–9.)

2 On November 19, 2018, the assigned Magistrate Judge issued findings and  
3 recommendations recommending denial of the motion. (ECF No. 20.) Plaintiff timely filed  
4 objections on December 7, 2018. (ECF No. 21.)

5 In his objections, Plaintiff argues that an injunction is warranted due to his fears of  
6 retaliation for filing this action and other grievances, and in support alleges various examples of  
7 past misconduct committed by officers at California State Prison – Corcoran. Plaintiff argues that  
8 the injunction is necessary to prevent further harm, as he alleges he has continued to endure  
9 retaliation, threats, harassment, and intimidation attempts by Defendants. (Id.)

10 Plaintiff’s objections are unpersuasive. As discussed in the findings and  
11 recommendations, Plaintiff’s complaint has not yet been screened, and the Court has made no  
12 determination that Plaintiff has stated cognizable claims for relief.<sup>1</sup> Therefore, Plaintiff has failed  
13 to meet the threshold requirement of showing a likelihood of success on the merits. Again, the  
14 seriousness of Plaintiff’s allegations regarding his fears of continuing or impending harm or  
15 retaliation cannot overcome a jurisdictional bar. Steel Co. v. Citizens for a Better Environment,  
16 523 U.S. 83, 103–04 (1998). The Court may not issue an order requiring prison officials or any  
17 defendant to take any action. No defendant has been ordered served, and no defendant has made  
18 an appearance. Thus, the Court lacks personal jurisdiction over any staff or officials at California  
19 State Prison – Corcoran.

20 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a  
21 *de novo* review of the case. None of Plaintiff’s objections provide a legal basis on which to  
22 question the Magistrate Judge’s findings and recommendations. Having carefully reviewed the  
23 entire file, the Court concludes that the Magistrate Judge’s findings and recommendations are  
24 supported by the record and by proper analysis.

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26 <sup>1</sup> The Court notes that on November 16, 2018, Plaintiff was granted leave to file a first amended complaint or to  
27 proceed on his original complaint from September 21, 2018. (ECF No. 19.) As the deadline for Plaintiff to file a  
28 first amended complaint has not yet expired, there is currently no operative complaint in this matter to be screened.  
After the deadline passes, the Court will either screen the original complaint or any first amended complaint, in due  
course.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on November 19, 2018, (ECF No. 20), are adopted in full;
2. Plaintiff’s motion for preliminary injunction, (ECF No. 16), is denied; and
3. The matter is referred back to the assigned Magistrate Judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: December 10, 2018

/s/ Lawrence J. O’Neill  
UNITED STATES CHIEF DISTRICT JUDGE