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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER JACKSON,

Plaintiff,

No. CIV S-06-2023 WBS GGH P

vs.

JAMES WALKER, et al.,

Defendants.

ORDER

Motion

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. Jury trial is set in this matter for December 13, 2011, before the Honorable William B. Shubb, at 9:00 a.m. Plaintiff has filed a document seeking “a temporary restraining order and preliminary injunction” against various prison officials at California State Prison- Sacramento who are members of the Investigative Services Unit (ISU). See Motion at docket # 221. Plaintiff attests that in the early morning of July 28, 2011, ISU officers searched his cell. Plaintiff’s Declaration in Support of Motion, p. 3. Plaintiff declares that all of his legal work is in a clearly marked manila folder identifying it as such. Id. Plaintiff was told that the officers had all of his legal work, although apparently they refused to take one of his legal books. Id., at 3-4. Plaintiff was told by the ISU officers that his “legal work is garbage.” Id., at 4. Plaintiff is currently in

1 administrative segregation (Ad Seg) having been informed that he was being placed there
2 pending an investigation into whether plaintiff had introduced a controlled substance into the
3 facility, although the initial search revealed no such substance, according to plaintiff. Id., at 3-4.

4 In Ad Seg, plaintiff does not have immediate access to the law library, legal books
5 and forms and copying and, out of concern that his legal property may not be returned to him in
6 its entirety or may be destroyed or otherwise disposed of, he has submitted this request.

7 Plaintiff's Dec., p. 4. Plaintiff asks that he be permitted access to his legal property while in Ad
8 Seg, which, he avers, has nothing to do with his current placement.

9 Discussion

10 One of the defendants against whom this case is proceeding was Warden Walker,
11 but in his official capacity only. Thus, as Tim Virga is the current warden, he is properly
12 substituted in as a party to this action. See Fed. R. Civ. P. 25(d)(1)(successor of public officer
13 named in an action in an official capacity is automatically substituted as a party).

14 The court construes plaintiff's motion for preliminary injunctive relief as a motion
15 for a protective order, and therefore properly before the undersigned for disposition by order.¹
16 Local Rule 302 of the Eastern District of California authorizes magistrate judges to handle all
17 aspects of a prisoner's case short of jury trial. This rule reflects the contours of magistrate judge
18 authority established by Congress. Pursuant to Section 636, Title 28, United States Code,
19 magistrate judges may determine any pretrial matter unless it is "dispositive" to the action, see
20 United States v. Raddatz, 447 U.S. 667, 673, 100 S. Ct. 2406 (1980), or seeks injunctive relief of
21 the same character as that which may be finally granted by the action, see De Beers Consolidated
22 Mines, Ltd. v. United States, 325 U.S. 212, 219-200, 65 S.Ct. 1130 (1945). See 28 U.S.C. §
23 636(b)(1)(A).

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26 ¹ In addition, plaintiff has specifically directed his request to the undersigned.

1 A proper motion for injunctive relief must relate to the allegations of the
2 complaint and seek an outcome that may ultimately be available in the action. If there is no such
3 relation, injunctive relief is not properly sought. “[T]he purpose and effect of the injunction is to
4 provide security for performance of a future order which may be entered by the court.” De Beers,
5 at 219-220. “Thus, a party moving for a preliminary injunction must necessarily establish a
6 relationship between the injury claimed in the party’s motion and the conduct asserted in the
7 complaint.” Devose v. Herrington, 42 F.3d 470, 471 (8th Cir.1994) (affirming district court’s
8 order denying without hearing plaintiff’s motion for preliminary injunction on the ground that it
9 had “nothing to do with preserving the district court’s decision-making power over the merits of
10 [plaintiff’s] 42 U.S.C. § 1983 lawsuit”) (citation omitted); cf., State of New York v. United
11 States Metals Refining Co., 771 F.2d 796, 801 (3rd Cir. 1985) (affirming district court’s order
12 granting preliminary injunction because relief requested was also available to the court pursuant
13 to final judgment, making the distinction that “this is not a case where the preliminary injunction
14 ‘deals with a matter lying wholly outside the issues in the suit,’ De Beers, 325 U.S. at 200 []”).
15 Rule 65, Federal Rules of Civil Procedure, governing requests for injunctive relief, underscores
16 this relevance requirement, pursuant to provisions allowing the hearing on preliminary injunction
17 to be accelerated into a trial on the merits, preserving the right to jury trial if otherwise
18 appropriate, and making evidence received at the hearing on preliminary injunction admissible at
19 trial. None of these provisions would make sense if disputes outside the complaint, and on
20 which no trial will be had, could be considered as proceedings for injunctive relief.

21 Accordingly, since matters appropriate for injunctive relief (and therefore
22 expressly outside the dispositive authority of the magistrate judge) are limited to the merits of an
23 action,² see, e.g., Reynaga v. Camisa, 971 F.2d 414, 416 (9th Cir. 1992) (orders pursuant to §

25 ² This case proceeds against defendants on plaintiff’s claims of violations of his Eighth
26 Amendment rights arising from allegedly deficient food preparation and food service conditions
at CSP-Sacramento. See Amended Pretrial Order (docket # 170), p. 2.

1 636(b)(1)(A) may not include “motions for injunctive relief”), it follows that *improperly*
2 *denominated* requests for injunctive relief, addressing matters extraneous to the complaint, may
3 be addressed and finally determined by the magistrate judge. Such matters typically filed by
4 plaintiff/prisoners attempt to have the court regulate every term and condition of their
5 confinement simply because they are “in court,” regardless of the relation of the currently
6 challenged activity to the claims set forth in the complaint. In this instance, to the extent that
7 plaintiff’s concern is legitimate and relates to legal material intended for use at his upcoming
8 trial, this court will grant plaintiff’s request such that defendant Virga will be required to provide
9 assurance that plaintiff’s legal property relevant to the instant case will not be disposed of, at a
10 minimum, prior to or during the trial of this matter. This defendant must also inform the court as
11 to when plaintiff will be permitted access to the material he needs to prepare for trial. In
12 addition, plaintiff has previously requested the court’s assistance in obtaining copies of trial
13 documents, presumably trial exhibits. The undersigned has directed the parties to exchange
14 exhibits twenty-eight days prior to trial in the Amended Pretrial Order. Docket # 170, p. 11.
15 Therefore, defendant will also be required to assure that plaintiff has timely access to the law
16 library or that he is otherwise permitted to obtain appropriate copies.

17 Accordingly, IT IS ORDERED that:

18 1. Warden Tim Virga is substituted for former Warden James Walker as a
19 defendant in his official capacity.

20 2. Plaintiff’s motion for preliminary injunctive relief, construed as a motion for a
21 protective order, filed on August 2, 2011 (docket # 221), is granted to the extent set forth above
22 and defendant Virga must inform the court, within fourteen days, as to the whereabouts of
23 plaintiff’s legal property related to the instance case, and as to the time when plaintiff will be
24 permitted access to said property in order to prepare for trial, assuring the court that plaintiff’s
25 legal property is intact and will remain so.

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