

THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN WESLEY GRIGSBY,	)	CIVIL NO. 2:08-0770 JMS
	)	
Plaintiff,	)	ORDER DENYING PLAINTIFF’S
	)	MOTION FOR ORDER OF SERVICE
vs.	)	AND TRANSFER [TO] VACAVILLE
	)	OR SAT 4 FOLSOM
SUSAN HUBERT, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	

**ORDER DENYING PLAINTIFF’S MOTION FOR ORDER OF SERVICE  
AND TRANSFER [TO] VACAVILLE OR SAT 4 FOLSOM**

On January 8, 2009, Plaintiff Jonathan Wesley Grigsby (“Plaintiff”) filed a “Motion for Order of Service and Transfer [to] Vacaville or Sat 4 Folsom” (“Plaintiff’s Motion”). While not entirely clear, Plaintiff appears to ask the court to order (1) service of his Amended Complaint and/or TRO, and (2) Plaintiff’s transfer to a different prison facility with better access to legal materials. The court DENIES Plaintiff’s Motion for the following reasons.

First, Plaintiff’s Amended Complaint has not yet been screened by the court and therefore, it will not be served unless and until the court determines that it states a claim. This action was only recently reassigned to the undersigned, and the court will screen Plaintiff’s Amended Complaint in due course.

Second, to the extent Plaintiff seeks to have a Motion for Temporary Restraining Order served, the only such motion received by the court was denied on May 8, 2008.

Finally, it is well established that Plaintiff has no right to incarceration in the prison of his choice. *See Olim v. Wakinekona*, 461 U.S. 238, 245 (1983); *Montayne v. Haymes*, 427 U.S. 236, 242-43 (1976); *Meachum v. Fano*, 427 U.S. 215, 225 (1976); *Pratt v. Rowland*, 65 F.3d 802, 806 (1995).

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 9, 2009.



/s/ J. Michael Seabright  
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J. Michael Seabright  
United States District Judge

*Grigsby v. Hubert et al.*, Civ. No. 2:08-00770 JMS, Order Denying Plaintiff's Motion for Order of Service and Transfer [To] Vacaville or Sat 4 Folsom