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

KEVIN DALE MARTIN,

No. CIV S-08-1578-WBS-CMK-P

Plaintiff,

vs.

FINDINGS AND RECOMMENDATIONS

McNUT, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for preliminary injunction (Doc. 47).

It is unclear exactly what plaintiff is requesting. It appears he is requesting an order from the court related to receiving proper medical care from the medical personnel at his current institution, Correctional Training Facility. The individual medical providers identified in his motion, however, are not defendants in this action. This court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). The request must, therefore, be denied.

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1 Based on the foregoing, the undersigned recommends that plaintiff's motion for
2 preliminary injunction be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. Responses to objections shall be filed within 14 days after service of
7 objections. Failure to file objections within the specified time may waive the right to appeal.
8 See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: October 11, 2011

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12 **CRAIG M. KELLISON**
13 UNITED STATES MAGISTRATE JUDGE
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