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

JEFFREY WALKER,

Plaintiff,

No. CIV S-09-642 WBS KJM P

vs.

A.H. WHITTEN, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a state prison inmate proceeding pro se with a civil rights action under 42 U.S.C. § 1983. He alleges that defendant Whitten retaliated against plaintiff by filing a rules violation report on April 27, 2007, placed plaintiff in a holding cage despite his awareness of the impact of such actions on plaintiff’s mental health, and conducted searches for purposes of harassment; defendants Moore and Privinsky searched plaintiff for purposes of harassment; and defendant Brewer was aware that Moore and Privinsky lied about the reasons for the search yet failed to stop the search.

Plaintiff has filed a motion for a temporary restraining order and for an order directing CDCR to send his legal materials from CMF to CMC, where he is now housed. He alleges that “prison staff” trashed and confiscated his legal material and supplies and that his

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1 remaining legal materials were not transferred with him, all in retaliation for his litigation efforts.  
2 He names C/O Smith, "etc." as those responsible for "trashed legal work." Docket No. 14 at 2.

3 Plaintiff seeks injunctive relief against individuals who are not named as  
4 defendants in this action. This court is unable to issue an order against individuals who are not  
5 parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S.  
6 100, 112 (1969).

7 IT IS THEREFORE ORDERED that plaintiff's request for a temporary  
8 restraining order (docket no. 14) is denied.

9 To the extent that the request may be deemed a request for preliminary injunctive  
10 relief, IT IS HEREBY RECOMMENDED that the request for injunctive relief (docket no. 14) be  
11 denied.

12 These findings and recommendations are submitted to the United States District  
13 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty  
14 days after being served with these findings and recommendations, plaintiff may file written  
15 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
16 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
17 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
18 F.2d 1153 (9th Cir. 1991).

19 DATED: December 3, 2009.

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22 U.S. MAGISTRATE JUDGE

22 <sup>2</sup>  
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