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

DANIEL WRIGHT,

Plaintiff,

No. 2:09-cv-2349 MCE JFM (PC)

vs.

DOROTHY E. SWINGLE, et al.,

Defendants.

_____/ FINDINGS & RECOMMENDATIONS

Plaintiff has filed a motion for a protective order. Plaintiff seeks injunctive relief against individuals who are not named as 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). Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s January 21, 2010 motion for protective order be denied.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

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1 “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that
2 failure to file objections within the specified time may waive the right to appeal the District
3 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

4 DATED: February 23, 2010.

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7 UNITED STATES MAGISTRATE JUDGE

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