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

ROBERT BENYAMINI,

Plaintiff,

No. CIV S-09-2602 LKK GGH P

vs.

MENDOZA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 16, 2012, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis. The magistrate judge cited Zenith Radio Corp., which provides that a district

1 court lacks authority to issue an injunction directed at an entity that is not a party before it.
2 Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112, 89 S.Ct. 1562, 23 L.Ed.2d
3 129 (1969). There is an exception to this rule, which allows injunctions aimed at parties also to
4 bind non-parties “in active concert or participation with them who receive actual notice of the
5 order by personal service or otherwise.” Id. The record does not indicate, however, that this
6 exception applies in the instant case.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed March 16, 2012, are adopted in full;
9 and
10 2. Plaintiff’s “motion for emergency stay and preliminary injunction,” filed on
11 March 13, 2012 (Docket No. 100), is denied.

12 DATED: May 8, 2012.

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16 LAWRENCE K. KARLTON
17 SENIOR JUDGE
18 UNITED STATES DISTRICT COURT
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