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

WILLIAM L. MEADOR,

Plaintiff,

No. CIV S-10-0860 EFB P

vs.

C.S.P. DENTAL ANNEX, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently before the court are plaintiff’s “Motion to Service Documents During Action” (Docket No. 22), motion for preliminary injunction (Docket No. 23) and related motion for relief from the bond provisions of Federal Rule of Civil Procedure 65 (Docket No. 24), and “motion to schedule pretrial proceedings” (Docket No. 33). For the reasons provided below, the court accepts plaintiff’s documentary evidence for filing, but denies plaintiff’s request for a preliminary injunction and to schedule pretrial proceedings.

I. “Motion to Service Documents”

Plaintiff has filed a “motion to service documents,” appending 13 pages of documents. Dckt. No. 22. He states that he wishes to submit the documents to the court, *id.* at 1, but it is unclear what this evidence is intended to support. Plaintiff indicates that the documents show

1 that he exhausted his administrative remedies. *Id.* at 2. However, currently, no dispositive
2 motion is pending to which the attached documents might be relevant. The court will accept the
3 documents for filing, but informs plaintiff that, should he rely on the evidence in future briefs, he
4 must cite specifically to the docket and page numbers; the court will not scour through the
5 exhibits to find evidence supporting plaintiff's arguments. If plaintiff wishes the exhibits to be a
6 part of his complaint, plaintiff must file an amended complaint that includes the exhibits. E.D.
7 Cal. L.R. 220 (all pleadings must be complete within themselves and contain all exhibits or
8 attachments referred to within the pleading); *see* Fed. R. Civ. P. 15 (providing procedures for
9 amending a pleading).

10 **II. Motion for Preliminary Injunction**

11 In plaintiff's motion for a preliminary injunction, plaintiff asks the court for an order
12 requiring prison officials to transfer him from Solano State Prison, presumably to the California
13 Men's Colony. *See* Dckt. No. 23 at 8; Dckt. No. 23-1 at 3. Plaintiff claims that mostly
14 unidentified prison officials are retaliating against him for his various court actions by searching
15 his cell numerous times, moving him to different cells (including one night spent in a cell
16 without a functioning toilet), and withholding his legal property. Plaintiff's complaint, on the
17 other hand, levels unrelated allegations against two prison dentists, defendants Crispin and
18 Zhang, for deliberately indifferent dental care. Plaintiff has not alleged any action on the part of
19 defendants to direct or participate in the alleged retaliation he is suffering. Because the
20 allegations of plaintiff's motion are unrelated to the allegations of the complaint, the motion is
21 properly construed as for a protective order rather than a preliminary injunction. *See Kaimowitz*
22 *v. Orlando, Fla.*, 122 F.3d 41, 43 (11th Cir. 1997) (stating that preliminary injunctive relief is
23 not appropriate for matters outside the lawsuit's issues); *DeVose v. Harrington*, 42 F.3d 470, 471
24 (8th Cir. 1994) (per curiam) (same).

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1 Plaintiff has made an insufficient showing to justify issuance of a protective order here.¹
2 There is no evidence that plaintiff's efforts to litigate this case will be hampered unless he is
3 transferred from Solano State Prison. While plaintiff's retaliation allegations may form the basis
4 of a different lawsuit, they do not show that plaintiff is currently prevented from effectively
5 litigating this suit. If plaintiff is being deprived of access to legal property necessary to the
6 litigation of this action, plaintiff may file a new motion for protective order informing the court
7 what property is being withheld and why the property is needed to litigate this case. Because the
8 court will deny plaintiff's motion for a preliminary injunction, plaintiff's related motion to be
9 relieved from posting a bond will be denied as moot.

10 **III. Motion to Schedule Pretrial Proceedings**

11 On May 11, 2011, plaintiff filed a brief motion "to schedule pretrial proceedings." Dckt.
12 No. 33. The court issued a discovery and scheduling order governing this case on January 24,
13 2011, which remains in effect. Dckt. No. 27. That order provided that the court would schedule
14 pretrial proceedings, if necessary, upon the resolution of any pretrial motions filed. *Id.* at 4. It
15 further provided that dispositive motions may be filed until August 5, 2011. *Id.* After resolution
16 of any dispositive motions or expiration of the deadline to bring them the court will set the
17 matter for a pretrial conference, if appropriate. As the deadline for filing pretrial motions has not
18 yet passed, plaintiff's motion to schedule pretrial proceedings is premature and will accordingly
19 be denied.

20 **IV. Order**

21 Accordingly, it is hereby ORDERED that:

22 1. Plaintiff's November 2, 2010 request to file documents (Docket No. 22) is granted as
23 provided in this order;

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26 ¹ The court grants plaintiff's April 27, 2011 motion to supplement the motion for preliminary
injunctive relief and has considered the materials submitted by plaintiff on that date. Dckt. No. 32.

1 2. Plaintiff's April 27, 2011 motion to supplement the motion for a preliminary
2 injunction (Docket No. 32) is granted;

3 3. Plaintiff's December 20, 2010 motion for a preliminary injunction (Docket No. 23) is
4 construed as a motion for a protective order and, so construed, is denied;

5 4. Plaintiff's December 20, 2010 motion for relief from bond (Docket No. 24) is denied
6 as moot;

7 5. Plaintiff's May 11, 2011 motion to schedule pretrial proceedings (Docket No. 33) is
8 denied.

9 Dated: June 20, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE