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

BRIAN DARNELL EDWARDS,

Plaintiff,

No. 2: 10-cv-3461 WBS KJN P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s November 4, 2011 motion for a preliminary injunction. For the following reasons, this motion should be denied.

This action is proceeding on the amended complaint filed March 21, 2011 as to defendants Turner-Gambery, Cheney, Mitchell and Swingle. All defendants are located at High Desert State Prison (“HDSP”). Plaintiff alleges that he received inadequate medical care.

Plaintiff is housed at Kern Valley State Prison (“KVSP”). In the pending motion for injunctive relief, plaintiff alleges that prison officials at KVSP have harassed him for his legal activities by housing him with inappropriate cellmates. Plaintiff requests that he be single celled.

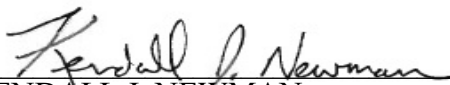
Plaintiff seeks injunctive relief against individuals who are not named as defendants in this action, i.e., prison officials at KVSP. This court is unable to issue an order

1 against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v.
2 Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). For these reasons, plaintiff's motion for
3 injunctive relief should be denied.

4 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for a
5 preliminary injunction (Dkt. No. 33) be denied.

6 These findings and recommendations are submitted to the United States District
7 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-
8 one days after being served with these findings and recommendations, any party may file written
9 objections with the court and serve a copy on all parties. Such a document should be captioned
10 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
11 objections shall be filed and served within fourteen days after service of the objections. The
12 parties are advised that failure to file objections within the specified time may waive the right to
13 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 DATED: November 16, 2011

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16 
17 KENDALL J. NEWMAN
18 UNITED STATES MAGISTRATE JUDGE

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