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

ANDRE CRAVER,

Plaintiff,

No. 2: 11-cv-1344 MCE KJN P

vs.

J. HASTY, 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 motion for a preliminary injunction filed February 13, 2012. For the following reasons, this motion should be denied.

This action is proceeding on the original complaint filed May 18, 2011 as to defendants Hasty and Rayner. The complaint contains allegations regarding conditions at High Desert State Prison (“HDSP”), where defendants Hasty and Rayner are employed.

Plaintiff is incarcerated at California State Prison-Lancaster (“Lancaster”). In the pending motion for injunctive relief, plaintiff requests that the court order prison officials at Lancaster to permanently house him on single cell status.

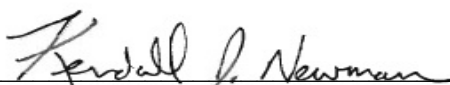
No defendants are located at Lancaster. Defendants Hasty and Rayner are not authorized to order prison officials at Lancaster to grant plaintiff single cell status. In essence,

1 plaintiff is seeking injunctive relief against individuals who are not named as defendants in this
2 action, i.e., prison officials at Lancaster. This court is unable to issue an order against individuals
3 who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research,
4 Inc., 395 U.S. 100, 112 (1969).

5 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for
6 injunctive relief (Dkt. No. 33) be denied.

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

15 DATED: March 1, 2012

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17 
18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE

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