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

ANTOINE E. MODICA SR.,

Plaintiff,

No. 2: 11-cv-2163 DAD P

vs.

B. COX, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding *pro se* with a complaint filed pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for a preliminary injunction.

On July 31, 2012, the court screened plaintiff’s first amended complaint and found that plaintiff’s amended complaint appeared to state a cognizable claims for retaliation under the First Amendment against defendants Cox and Enrilich. Following plaintiff’s submission of the required service documents, on August 27, 2012, the court ordered service of plaintiff’s amended complaint on defendants Cox and Enrilich.

On August 1, 2012, plaintiff filed a motion for a preliminary injunction. Therein, plaintiff seeks a court order requiring the following:

Mrs. Killen ASP staff law librarian, and her supervisor Mr. Yanez adult education superintendent stop harassing [plaintiff] while [he] is using the law library for legal purposes. Also C/O Rios, Vitale

1 and all other of their successors in office, agents and employees
2 and all other persons acting in concert with them stop infringing
etc., with [his] legal and personal mail, and any other mail.

3 (Doc. No. 19 at p. 1.)

4 The court will deny plaintiff's motion for a preliminary injunction. Plaintiff may
5 only seek injunctive relief against individuals who are named as defendants in this action. In
6 plaintiff's motion for a preliminary injunction pending before the court, he seeks an order against
7 named individuals who are not defendants in this action. The court is unable to issue an order
8 against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v.
9 Hazeltine Research, Inc., 395 U.S. 100, 112 (1969); Zepeda v. United States Immigration Serv.,
10 753 F.2d 719, 727 (9th Cir. 1985) ("A federal court may issue an injunction if it has personal
11 jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to
12 determine the rights of persons not before the court.").

13 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for a preliminary
14 injunction (Doc. No. 19) is denied without prejudice.

15 DATED: September 18, 2012.

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18 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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