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

TONY ASBERRY,

Plaintiff,

No. 2: 11-cv-2462 KJM KJN P

vs.

MATTHEW CATE, 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 injunctive relief filed June 11, 2012. For the following reasons, this motion should be denied.

When plaintiff filed this action on September 16, 2011, he was housed at California State Prison-Sacramento (“CSP-Sac”). This action is proceeding on the third amended complaint filed June 11, 2012. Plaintiff complains of conditions at CSP-Sac. All defendants are located at CSP-Sac.

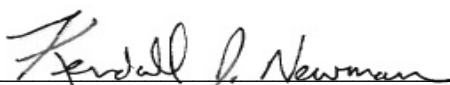
On April 20, 2012, plaintiff filed a notice of change of address indicating that he is now incarcerated at the R. J. Donovan Correctional Facility in San Diego, California. In the pending motion for injunctive relief, plaintiff requests that he be provided with medical care at the R. J. Donovan Correctional Facility.

1 Plaintiff seeks injunctive relief against individuals who are not named as  
2 defendants in this action, i.e., prison officials at the R. J. Donovan Correctional Facility. This  
3 court is unable to issue an order against individuals who are not parties to a suit pending before  
4 it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).<sup>1</sup>

5 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for a  
6 preliminary injunction (Dkt. No. 50) 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: July 20, 2012

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18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> If plaintiff seeks relief against prison officials at the R. J. Donovan Correctional Facility, he may file a civil rights action in the United States District Court for the Southern District of California.