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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TRACYE WASHINGTON,
Plaintiff,
v.
C. ESSEX et al.,
Defendants.

No. 2:12-cv-3054 DAD P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for court intervention.

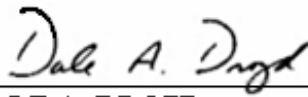
In his motion, plaintiff alleges that prison officials recently moved him to the central treatment center for mental observation. Plaintiff further alleges that he has since been returned to his cell, but prison officials who inventoried his personal property now do not know where it is. Plaintiff requests a court order requiring the warden to show cause as to why plaintiff has not received his personal property and why the law library has been inaccessible to him of late.

Plaintiff is advised that this court is unable to issue an order against any individual or entity who is not a party to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969); Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may issue an injunction if it has personal jurisdiction

1 over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the
2 rights of persons not before the court.”). If plaintiff is still having difficulty obtaining the return
3 of his property, he should file an administrative grievance at his institution of incarceration. In
4 California, prisoners may appeal “any policy, decision, action, condition, or omission by the
5 department or its staff that the inmate or parolee can demonstrate as having a material adverse
6 effect upon his or her health, safety, or welfare.” Cal. Code Regs. tit. 15, § 3084.1(a). Finally,
7 the court notes that the United States Marshal is in the process of effecting service on the
8 defendants. As such, until service is accomplished no action is required of plaintiff at this time.

9 Accordingly, IT IS HEREBY ORDERED that plaintiff’s motion for a court order (Doc.
10 No. 15) is denied.

11 Dated: November 19, 2013

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14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE

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