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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY CORDERO,
Plaintiff,
v.
NICK GUZMAN, et al.,
Defendants.

No. 2: 13-cv-1551 JAM KJN P

FINDINGS AND 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 September 5, 2014 motion for judicial intervention. (ECF No. 43.) The undersigned construes the pending motion as a motion for injunctive relief. For the following reasons, this motion should be denied.

This action is proceeding on the original complaint filed July 16, 2013. (ECF No. 1.) The defendants are located at High Desert State Prison (“HDSP”) and California State Prison-Corcoran (“Corcoran”).

Plaintiff is currently incarcerated at the R.J. Donovan Correctional Facility (“RJDCF”). In the pending motion, plaintiff alleges that he is being retaliated against by RJDCF officials for pursuing the instant litigation.

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


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

4 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for judicial
5 intervention (ECF No. 43), construed as a motion for injunctive relief, be denied.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 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." Plaintiff is advised that
11 failure to file objections within the specified time may waive the right to appeal the District
12 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: September 11, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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¹ The undersigned also observes that plaintiff's allegations of retaliation are speculative.