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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD JONES,
Plaintiff,
v.
C. CLARK, et al.,
Defendants.

No. 2:14-cv-0987 TLN CKD P

ORDER

On January 21, 2016, the undersigned issued findings and a recommendation that defendant Stephens' motion for summary judgment be granted on plaintiff's excessive force claim, which was based on a September 2012 incident at Mule Creek State Prison. (ECF No. 64.)

Before the court is plaintiff's February 5, 2016 motion for injunctive relief, alleging retaliation by a non-defendant, Officer Pogue. (ECF No. 65.) The harm for which plaintiff seeks relief is outside the scope of the excessive force claim at issue in this action. In addition, as a general rule, this court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100 (1969). Plaintiff cannot, by this motion, enjoin persons who are not defendants in the underlying action, based on claims that are not set forth in the operative complaint.

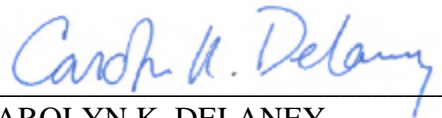
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Plaintiff's motion will be denied. If plaintiff wishes to assert a retaliation claim against Pogue or any other defendant, he must do so by commencing a new § 1983 action.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for injunctive relief (ECF No. 65) is denied.

Dated: February 10, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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