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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARYL DWIGHT GRAY,
Plaintiff,
v.
PIERCE, et al.,
Defendants.

No. 2:15-cv-0762 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the undersigned. (ECF No. 5.)

Pending before the court is plaintiff's June 10, 2015 motion for injunctive relief. (ECF No. 27). Also pending is plaintiff's May 15, 2015 motion for appointment of a diet specialist and for an early settlement conference. (ECF No. 22.) For the following reasons, these motions are denied.

This action is proceeding on the original complaint filed April 8, 2015 against defendants Berg, Jackson, Martin, Millsap, Palagummi, Pierce and Zaragoza. (ECF No. 1.) Plaintiff was housed at the Deuel Vocational Institution ("DVI") when he filed this action. All defendants but for defendant Jackson are employed at DVI. Defendant Jackson is employed at North Kern State Prison ("NKSP").

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1 The gravamen of this action is plaintiff's claim that the drinking water at DVI is not fit for
2 human consumption. (Id. at 3.) Plaintiff alleges that the DVI drinking water damaged his liver.
3 (Id.) Plaintiff alleges that he has a medical condition that makes the DVI drinking water "life
4 threatening" to him. (Id.)

5 On May 14, 2015, plaintiff filed a notice of change of address indicating that he is now
6 housed at the California Medical Facility ("CMF"). (ECF No. 21.)

7 In the pending motion for injunctive relief filed June 10, 2015, plaintiff alleges that he
8 suffered serious injuries as a result of drinking the DVI water. (ECF No. 27 at 2.) Plaintiff
9 alleges that he suffered permanent injuries to his liver and kidneys. (Id.) Plaintiff requests that
10 the court order that he be seen by a liver specialist and a "special diet doctor" to treat the injuries
11 he suffered as a result of drinking the DVI water. (Id. at 3.)

12 In his May 15, 2015 motion for appointment of a diet specialist, plaintiff alleges that as a
13 result of drinking the DVI water, he now suffers painful urination, pain in his kidneys and liver,
14 overall weakness and a "discounted quality of life" that is permanent. (ECF 22 at 1.) Plaintiff
15 requests that the court appoint a diet specialist to treat these conditions.

16 In the pending motions, plaintiff is requesting that the court order CMF prison officials to
17 provide him with a diet specialist and take him to a liver specialist. In other words, plaintiff seeks
18 injunctive relief against individuals who are not named as defendants in this action. This court is
19 unable to issue an order against individuals who are not parties to a suit pending before it. See
20 Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). For this reason, these
21 motions are denied.

22 In the May 16, 2015 motion, plaintiff also requests an early settlement conference.
23 Because no defendants have appeared, this request is premature.

24 On June 22, 2015, plaintiff filed a motion requesting that the court rule on his June 10,
25 2015 motion for injunctive relief. (ECF No. 30.) Because the undersigned addresses plaintiff's
26 June 10, 2015 motion for injunctive relief in the instant order, plaintiff's June 22, 2015 motion is
27 denied as unnecessary.

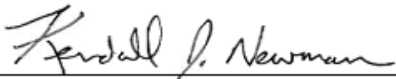
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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's motion for appointment of a diet specialist and for an early settlement conference (ECF No. 22) is denied;
2. Plaintiff's motion for injunctive relief (ECF No. 27) is denied;
3. Plaintiff's motion requesting that the court rule on his motion for injunctive relief (ECF No. 30) is denied.

Dated: June 26, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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