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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH ANTHONY DiBARTOLOMEO,
Plaintiff,
v.
LINDA JIMINEZ, et al.,
Defendants.

No. 2:15-cv-2347 JAM KJN P

ORDER

Plaintiff is a prisoner, proceeding without counsel, in an action brought under 42 U.S.C. § 1983. Plaintiff is incarcerated in the San Joaquin County Jail. On March 24, 2016, defendants filed a motion to dismiss. (ECF No. 19.) On April 13, 2016, plaintiff filed a motion for extension of time to file his opposition. (ECF No. 20.) On April 29, 2016, plaintiff filed a motion for appointment of counsel. (ECF No. 21.)

In the motion for appointment of counsel, plaintiff alleges that he is being denied access to the law library. Plaintiff also indicates that he is being denied access to copy services.

The instant action proceeds against defendants San Joaquin County Deputy Sheriffs Jiminez. While both defendants are employed by the San Joaquin County Sheriff's Department, it does not appear that they work at the jail law library or are involved in administration of the jail law library. Usually persons or entities not parties to an action are not subject to orders for injunctive relief. Zenith Radio Corp. v. Hazatline Research, Inc., 395 U.S. 100 (1969).


1 However, the fact that one is not a party does not automatically preclude the court from acting.
2 The All Writs Act, 28 U.S.C. § 1651, permits the court to issue writs “necessary or appropriate in
3 aid of their jurisdiction and agreeable to the usages and principles of law.” See generally S.E.C.
4 v. G.C. George Securities, Inc., 637 F.2d 685 (9th Cir. 1981); United States v. New York
5 Telephone, 434 U.S. 159 (1977). This section does not grant the court plenary power to act in
6 any way it wishes; rather, the All Writs Act is meant to aid the court in the exercise and
7 preservation of its jurisdiction. Plum Creek Lumber Company v. Hutton, 608 F.2d 1283, 1289
8 (9th Cir. 1979.)

9 The undersigned is concerned that the court may lose jurisdiction of this action if plaintiff
10 is not granted access to the law library access and copy services. Accordingly, the San Joaquin
11 County Sheriff is directed to file a status report addressing plaintiff’s access to the law library and
12 copy services.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Within fourteen days of the date of this order, the San Joaquin County Sheriff shall file
15 a status report addressing plaintiff’s access to the law library and copy services;
- 16 2. The Clerk of the Court is directed to serve a copy of this order on the San Joaquin
17 County Sheriff, 7000 Michael Canlis Blvd., French Camp, CA, 95231.

18 Dated: June 2, 2016

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20 _____
21 KENDALL J. NEWMAN
22 UNITED STATES MAGISTRATE JUDGE

23 Diba2347.ord
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