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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. HICKS,
Plaintiff,
v.
AFSHIN ARYA, et al.,
Defendants.

No. 2: 16-cv-2465 MCE KJNP

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 motion for injunctive relief filed June 23, 2017. (ECF No. 32.) For the reasons stated herein, the undersigned recommends that this motion be denied.

This action proceeds on the original complaint against Dr. Arya. Plaintiff alleges that in September 2016, while he was housed at California State Prison-Sacramento (“CSP-Sac”), defendant Arya denied him adequate medical care for hepatitis C and cervical spondylosis. Plaintiff alleges, in part, that defendant Arya refused to transfer him to a prison where he could receive cervical traction.

In the pending motion, plaintiff requests that the court order his transfer to a prison capable of providing cervical traction three times per week. Plaintiff also requests that he be prescribed adequate pain medication.


1 While the caption of plaintiff's pending motion for injunctive indicates that plaintiff is
2 housed at CSP-Sac, court records reflect that plaintiff is now housed at California State Prison-
3 Corcoran ("Corcoran"). No defendants are located at Corcoran.

4 Because no defendants are located at Corcoran, plaintiff seeks injunctive relief against
5 individuals who are not named as defendants in this action. This court is unable to issue an order
6 against individuals who are not parties to a suit pending before it. See Zenith Radio Corp. v.
7 Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

8 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for injunctive
9 relief (ECF No. 32) be denied.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
15 objections shall be filed and served within fourteen days after service of the objections. The
16 parties are advised that failure to file objections within the specified time may waive the right to
17 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 Dated: August 24, 2017

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

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