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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 TLN 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 May 29, 2018 motion for a preliminary injunction. (ECF No. 61.) For the reasons stated herein, plaintiff’s motion for injunctive relief should be denied.

Plaintiff is currently incarcerated at Kern Valley State Prison (“KVSP”) in Delano, California. In the pending motion for injunctive relief, plaintiff alleges that KVSP officials have denied him adequate pain medication. Plaintiff seeks an order directing KVSP officials to provide him with adequate pain medication.

This action currently proceeds on plaintiff’s claims against defendant Arya for providing allegedly inadequate medical care while plaintiff was housed at California State Prison-Sacramento (“CSP-Sac”). On May 17, 2018, the undersigned recommended that plaintiff’s motion to amend his complaint be granted to include claims against defendants Bodenheimer,


1 Hopkins and Felder for denying plaintiff's request for a transfer to receive cervical traction.  
2 (ECF No. 60.) Defendants Bodenheimer, Hopkins and Felder are located at CSP-Sac.

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

7 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for a preliminary  
8 injunction (ECF No. 61) be denied.

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

17 Dated: June 8, 2018

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20 KENDALL J. NEWMAN  
21 UNITED STATES MAGISTRATE JUDGE

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