



1 this action appear to have had any involvement in or control over the retaliatory acts that plaintiff  
2 alleges in his current motion. The Ninth Circuit has held that:

3 [T]here must be a relationship between the injury claimed in the  
4 motion for injunctive relief and the conduct asserted in the  
5 underlying complaint. This requires a sufficient nexus between the  
6 claims raised in a motion for injunctive relief and the claims set forth  
7 in the underlying complaint itself. The relationship between the  
8 preliminary injunction and the underlying complaint is sufficiently  
strong where the preliminary injunction would grant relief of the  
same character as that which may be granted finally. Absent that  
relationship or nexus, the district court lacks authority to grant the  
relief requested.

9 *Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015).<sup>2</sup> That  
10 'nexus' does not exist here. Consequently, if plaintiff seeks to litigate these unrelated claims of  
11 retaliation, he should file a separate action.

12 Accordingly, it is RECOMMENDED that plaintiff's motion for temporary restraining  
13 order (ECF No. 52) BE DENIED.

14 These findings and recommendations are submitted to the United States District Judge  
15 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
16 after being served with these findings and recommendations, any party may file written  
17 objections with the court and serve a copy on all parties. Such a document should be captioned  
18 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
19 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
20 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 DATED: March 28, 2019.

22   
23 EDMUND F. BRENNAN  
24 UNITED STATES MAGISTRATE JUDGE

25 <sup>2</sup> Although *Pacific Radiation Oncology* discussed the nexus rule in terms of a request for  
26 preliminary injunction, the court concludes that its holding is equally applicable to a request for a  
27 temporary restraining order. See, e.g., *Phillips v. Fremont Inv. & Loan*, 2009 U.S. Dist. LEXIS  
28 122152, 2009 WL 4898259 at \*1 (D. Ariz. Dec. 11, 2009) (citing *Brown Jordan Int'l, Inc. v. The  
Mind's Eye Interiors, Inc.*, 236 F. Supp. 2d 1152, 1154 (D. Haw. 2007)) ("The standard for  
issuing a [temporary restraining order] is the same as that for issuing a preliminary injunction.").