

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COLEMAN,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:17-cv-0851 KJM 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 motion for injunctive relief. (ECF No. 15.) For the reasons stated herein, the undersigned recommends that plaintiff’s motion be denied.

Plaintiff is incarcerated at California State Prison-Los Angeles (“CSP-LA”). In the pending motion, plaintiff seeks an order directing prison officials at CSP-LA to assign plaintiff to single cell status.


The defendants in this action, i.e., Hinrich, Lynch, Virga, Haring, Wright, Curren and Walcott, are located at California State Prison-Sacramento (“CSP-Sac”). (See ECF No. 13 (amended complaint). Thus, plaintiff seeks injunctive relief against individuals who are not named as defendants in this action, i.e., prison officials at CSP-LA. This court is unable to issue an order against individuals who are not parties to a suit pending before it. See Zenith Radio

1 Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

2 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's motion for injunctive
3 relief (ECF No. 15) be denied.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, plaintiff may file written objections
7 with the court and serve a copy on all parties. Such a document should be captioned
8 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
9 failure to file objections within the specified time may waive the right to appeal the District
10 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: March 26, 2018

12 
13 _____
14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE

16 Cole851.fr
17
18
19
20
21
22
23
24
25
26
27
28