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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM MARTIN HENDERSON,

Plaintiff,

v.

UNKNOWN,¹

Defendants.

No. 2:17-cv-02121 DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 5, 2018, plaintiff filed a motion for preliminary injunction and motion for temporary restraining order (“TRO”). (ECF No. 11). In the motion, plaintiff makes a series of requests related to his housing and his feeding options as well as requests related to his access to vendor packages, personal property, storage space, appliances and the like. (Id.) He asks that “CDCR or DSH or ASH” immediately arrange for his requests to be granted. (See id. at 1).

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¹ In the initial pleading filed in this case on October 12, 2017, plaintiff failed to identify a party defendant. (See ECF No. 1 at 1). In light of the fact that plaintiff’s first amended complaint now identifies “John Doe #1 CDCR Director” and “others” as defendants (see ECF No. 8 at 1), the Clerk of Court will be directed to correct the case caption of the docket accordingly.


1 Throughout the pleading, however, plaintiff provides no emergent reason why he should be
2 provided with the items and services requested. (See generally ECF No. 11).

3 At this time, plaintiff's motion is premature. The court has not obtained personal
4 jurisdiction over any of the defendants since they have not yet been served with process in this
5 action. See Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.1985) ("A
6 federal court may issue an injunction if it has personal jurisdiction over the parties and subject
7 matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before
8 the court."). Moreover, even if jurisdiction over defendants had attached, plaintiff's motion fails
9 to clearly show that immediate and irreparable injury, loss or damage would result to him prior to
10 defendants being heard in opposition. See Fed. R. Civ. P. 65(b)(1)(A); see also Local Rule 231(a)
11 (stating TRO shall not be granted in the absence of actual notice to the affected party or counsel
12 except in the most extraordinary of circumstances).

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Plaintiff's motion for a temporary restraining order and preliminary injunction (ECF
15 No. 11) is DENIED without prejudice, and
- 16 2. The Clerk of Court is directed to correct the names of the defendants in the case
17 caption of the docket to reflect the names of defendants listed in plaintiff's first amended
18 complaint (see ECF No. 8).

19 Dated: March 2, 2018

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21 
22 DEBORAH BARNES
23 UNITED STATES MAGISTRATE JUDGE

24 DLB:13
25 DB/ORDERS/ORDERS.PRISONER.CIVIL RIGHTS/hend2121.48a
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