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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	LANCE WILLIAMS,	No. 2:18-CV-0740-MCE-DMC-P
12	Plaintiff,	
13	v.	ORDER
14	D. JUST, et al.,	
15	Defendants.	
16		
17	Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to	
18	42 U.S.C. § 1983. Pending before the court is plaintiff's motion for injunctive relief (ECF No.	
19	39).	
20	The legal principles applicable to requests for injunctive relief, such as a	
21	temporary restraining order or preliminary injunction, are well established. To prevail, the	
22	moving party must show that irreparable injury is likely in the absence of an injunction. See	
23	Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing Winter v. Natural Res.	
24	Def. Council, Inc., 129 S.Ct. 365 (2008)). To the extent prior Ninth Circuit cases suggest a lesse	
25	standard by focusing solely on the possibility of irreparable harm, such cases are "no longer	
26	controlling, or even viable." <u>Am. Trucking Ass'ns, Inc. v. City of Los Angeles</u> , 559 F.3d 1046,	
27	1052 (9th Cir. 2009). Under <u>Winter</u> , the proper test requires a party to demonstrate: (1) he is	
28	likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of an	
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1 injunction; (3) the balance of hardships tips in his favor; and (4) an injunction is in the public 2 interest. See Stormans, 586 F.3d at 1127 (citing Winter, 129 S.Ct. at 374). The court cannot, 3 however, issue an order against individuals who are not parties to the action. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). Moreover, if an inmate is seeking 4 5 injunctive relief with respect to conditions of confinement, the prisoner's transfer to another 6 prison renders the request for injunctive relief moot, unless there is some evidence of an 7 expectation of being transferred back. See Prieser v. Newkirk, 422 U.S. 395, 402-03 (1975); 8 Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam). 9 In this case, plaintiff seeks an order requiring prison officials to allow him use of 10 the wall phones in plaintiff's housing unit. See ECF No. 39, pg. 1. The court finds that 11 injunctive relief is not appropriate because, among other reasons, plaintiff has not demonstrated 12 how the lack of access to the wall phones is likely to result in irreparable harm. 13 Based on the foregoing, the undersigned recommends that plaintiff's motion for 14 injunctive relief (ECF No. 39) be denied. 15 These findings and recommendations are submitted to the United States District 16 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days 17 after being served with these findings and recommendations, any party may file written objections 18 with the court. Responses to objections shall be filed within 14 days after service of objections. 19 Failure to file objections within the specified time may waive the right to appeal. See Martinez v. 20 Ylst, 951 F.2d 1153 (9th Cir. 1991). 21 22 Dated: September 23, 2019 23 DENNIS M. COTA UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28 2