

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
4 Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). Moreover, if an inmate is seeking
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
24 UNITED STATES MAGISTRATE JUDGE