



1 interest. See Stormans, 586 F.3d at 1127 (citing Winter, 129 S.Ct. at 374). The court cannot,  
2 however, issue an order against individuals who are not parties to the action. See Zenith Radio  
3 Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969). Moreover, if an inmate is seeking  
4 injunctive relief with respect to conditions of confinement, the prisoner’s transfer to another  
5 prison renders the request for injunctive relief moot, unless there is some evidence of an  
6 expectation of being transferred back. See Prieser v. Newkirk, 422 U.S. 395, 402-03 (1975);  
7 Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam).

8 In this case, plaintiff seeks an order requiring defendant, the Shasta County  
9 Sheriff, to “cease and desist” denying plaintiff access to the courts. Specifically, plaintiff  
10 contends defendant is implementing policies that curtail “telephonic access” to attorneys.  
11 Plaintiff also contends defendant’s policies improperly deny him the ability to make photocopies  
12 of legal documents. Finally, plaintiff claims defendant’s policy denies him access to legal forms.

13 The court finds injunctive relief is not warranted because plaintiff cannot at this  
14 time establish a likelihood of success on the merits of his claim, and because plaintiff has not  
15 demonstrated irreparable harm absent an injunction. At plaintiff’s request, the court has  
16 recharacterized this action as a civil rights action and directed plaintiff to file an operative  
17 complaint alleging all his claims in a single pleading. To date, plaintiff has not filed his  
18 complaint. The court, therefor, cannot assess the merits of plaintiff’s claim. In addition,  
19 plaintiff’s allegations of generalized difficulty with access to the courts does not establish plaintiff  
20 will be irreparably harmed because plaintiff has not indicated he has or will be unable to meet any  
21 deadlines or that he has or will be unable to file a meritorious civil action or habeas claim.  
22 Plaintiff’s contentions fail to establish an actual injury with respect to his access to the courts, see  
23 Lewis v. Casey, 518 U.S. 343, 349 (1996) (holding an “actual injury” necessary to plead a claim  
24 based on denial of access to the courts is prejudice with respect to contemplated or existing  
25 litigation, such as the inability to meet a filing deadline or present a non-frivolous claim), let  
26 alone an irreparable harm.

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Based on the foregoing, the undersigned recommends that plaintiff's motion for injunctive relief (Doc. 5) be denied.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, any party may file written objections with the court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: December 6, 2018



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DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE