

1 support their IFP applications, and that they may do so by “obtain[ing] [them] from the
2 appropriate official of [the] prison at which the prisoner is or was confined.” 28 U.S.C.
3 § 1915(a)(1), (2). Instead, plaintiff alleges that officials at the Sacramento County Jail – where he
4 is incarcerated – have refused to authorize the required certification. This alleged refusal forms
5 the basis of the pending motions for preliminary injunction, which are discussed below. ECF
6 Nos. 8 & 13. As the motions to proceed in forma pauperis are incomplete, they are denied
7 without prejudice.

8 Motions for Preliminary Injunction

9 The Supreme Court has held, however, that a claimant seeking a preliminary injunction
10 must establish “that he is likely to succeed on the merits, that he is likely to suffer irreparable
11 harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an
12 injunction is in the public interest.” *Winter v. NRDC*, 555 U.S. 7, 20 (2008). Neither of
13 plaintiff’s motions address these factors in any way. Both are difficult to read and, frankly,
14 incoherent. For instance, the first motion begins by requesting that the court issue an injunction
15 requiring unnamed prison officials to verify his account. ECF No. 8 at 1-2. It then references an
16 incident which allegedly occurred on June 27, 2018 – after this suit was filed – wherein plaintiff
17 was “tasered with [a] dart gun [for] an invalid [and] unjustified reason.” *Id.* at 2. Plaintiff does
18 not explain who was responsible for this incident or how it relates to the alleged refusal to
19 complete his trust account certification. He also references other pending lawsuits and claims that
20 “professional law show girls in Sacramento have plaintiff under 24 hours 7 days a week
21 observation” *Id.* Plaintiff’s second motion for preliminary injunction reads identically.
22 ECF No. 13 at 1-2.¹ If plaintiff is somehow in need of an order requiring jail officials to produce
23 the balance of his trust account because they have refused do so, plaintiff must specifically state
24 what efforts he has made to obtain that information and what the jail staff have done in response.
25 If appropriate, the court will then enter an order requiring a response by the jail.

26 ¹ The declaration (ECF No. 13-1) and affidavit (ECF No. 13-2) attached to the second
27 motion for preliminary injunction offer little in the way of context. The former relates to
28 plaintiff’s prescription medications. ECF No. 13-1 at 2-3. The latter deals with the logging of
plaintiff’s legal mail. ECF No. 13-2 at 1-2.

1 Plaintiff is also informed that the court has no authority to compel prison officials, who
2 have not been named to this action or served as parties, to provide account statements. *See*
3 *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 584 (1999) (“Personal jurisdiction, too, is an
4 essential element of the jurisdiction of a district . . . court, without which the court is powerless to
5 proceed to an adjudication.”) (citation and internal quotation omitted); *see also Zepeda v. U.S.*
6 *Immigration and Naturalization Serv.*, 753 F.2d 719, 727 (9th Cir. 1985) (“A federal court may
7 issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction
8 over the claim; it may not attempt to determine the rights of persons not before the court.”).
9 Plaintiff has only brought this suit against an unspecified superior court and the Sacramento
10 County Jail itself.

11 Based on the foregoing, the it is recommended that both of plaintiff’s motions for
12 preliminary injunction be denied.

13 Conclusion

14 Plaintiff is granted an additional thirty days to provide a properly completed IFP
15 application or the filing fee. If he finds it helpful, he may show this order to the official
16 responsible for authorizing the release of inmate trust account statements.

17 Accordingly, it is ORDERED that:

- 18 1. Plaintiff’s applications to proceed in forma pauperis (ECF Nos. 9 & 14) are DENIED
19 without prejudice;
- 20 2. The Clerk of Court shall send plaintiff a form application for leave to proceed in forma
21 pauperis with this order.
- 22 3. Plaintiff must submit either the completed IFP application or the full filing fee within
23 thirty days of this order’s entry.
- 24 4. Failure to comply with any part of this this order may result in dismissal of this action.
- 25 5. The Clerk of Court is directed to randomly assign a United States District Judge to this
26 case.

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1 Further, it is RECOMMENDED that plaintiff's motions for preliminary injunction (ECF
2 Nos. 8 & 13) be DENIED.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
8 objections shall be served and filed within fourteen days after service of the objections. The
9 parties are advised that failure to file objections within the specified time may waive the right to
10 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
11 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: October 11, 2018.

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14 EDMUND F. BRENNAN
15 UNITED STATES MAGISTRATE JUDGE
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