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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THEAUDRA CONRAD WILLIAMS,
Plaintiff,
v.
OGNJEN PETRAS,
Defendant.

No. 2:19-cv-0605 KJM DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding in this civil rights action pursuant to 42 U.S.C. § 1983 against Dr. Ognjen Petras on an Eighth Amendment medical indifference claim for his alleged failure to treat plaintiff’s diabetic condition. Pending before the Court is a motion for protective order against the California Substance Abuse Treatment Facility (CSATF), the California Department of Corrections and Rehabilitation (CDCR), and the CSTAF Medical Health Care Services Department. The Court construes plaintiff’s filing as a motion for temporary restraining order.

I. Legal Standard

The legal standards for obtaining a temporary restraining order are essentially identical to those for obtaining a preliminary injunction. See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc., 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001); Lockheed Missile & Space Co., Inc. v. Hughes Aircraft Co., 887 F. Supp. 1320, 1323 (N.D. Cal. 1995). Plaintiff is informed that “[a] preliminary injunction is an ‘extraordinary and drastic remedy,’ 11A C. Wright, A.

1 Miller, & M. Kane, Federal Practice and Procedure § 2948, p. 129 (2d ed.1995) [] (footnotes
2 omitted); it is never awarded as of right, Yakus v. United States, 321 U.S. 414, 440 (1944).”
3 Munaf v. Geren, 553 U.S. 674, 689-90 (2008). “The sole purpose of a preliminary injunction is to
4 ‘preserve the status quo ante litem pending a determination of the action on the merits.’ ” Sierra
5 Forest Legacy v. Rey, 577 F.3d 1015, 1023 (9th Cir. 2009) (citing L.A. Memorial Coliseum
6 Comm’n v. NFL, 634 F.2d 1197, 1200 (9th Cir. 1980)); see also 11A Charles Alan Wright &
7 Arthur R. Miller, Federal Practice and Procedure § 2947 (2d ed. 2010).

8 In evaluating the merits of a motion for preliminary injunctive relief, the court considers
9 whether the movant has shown that “he is likely to succeed on the merits, that he is likely to
10 suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his
11 favor, and that an injunction is in the public interest.” Winter v. Natural Resources Defense
12 Council, 555 U.S. 7, 20 (2008); Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
13 (quoting Winter). The propriety of a request for injunctive relief hinges on a significant threat of
14 irreparable injury that must be imminent in nature. Caribbean Marine Serv. Co. v. Baldrige, 844
15 F.2d 668, 674 (9th Cir. 1988); see also Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127,
16 1131-32 (9th Cir. 2011).

17 Additionally, in cases brought by prisoners involving conditions of confinement, any
18 preliminary injunction “must be narrowly drawn, extend no further than necessary to correct the
19 harm the court finds requires preliminary relief, and be the least intrusive means necessary to
20 correct the harm.” 18 U.S.C. § 3626(a)(2).

21 Finally, a district court may not issue preliminary injunctive relief without primary
22 jurisdiction over the underlying cause of action. Sires v. State of Washington, 314 F.2d 883, 884
23 (9th Cir. 1963). Additionally, an injunction against individuals who are not parties to the action is
24 strongly disfavored. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 110 (1969).

25 **II. Analysis**

26 Plaintiff moves for an order directing three entities—CSATF, CDCR, and the CSATF
27 Medical Health Care Services Department—to stop retaliating against him for having filed this
28 lawsuit. Plaintiff claims that after he initiated this case, the supervisors at Medical Health Care

1 Services falsified plaintiff’s medical records to indicate that plaintiff tested positive for Covid-19.
2 As a result of the positive test result, plaintiff was placed in isolation, whereupon he then received
3 a letter from his primary care provider indicating that he had tested negative for the virus.

4 Plaintiff’s motion should be denied because it seeks relief that is unrelated to the claim
5 underlying this case. As the Ninth Circuit has made clear,

6 [T]here must be a relationship between the injury claimed in the
7 motion for injunctive relief and the conduct asserted in the
8 underlying complaint. This requires a sufficient nexus between the
9 claims raised in a motion for injunctive relief and the claims set forth
10 in the underlying complaint itself. The relationship between the
11 preliminary injunction and the underlying complaint is sufficiently
12 strong where the preliminary injunction would grant “relief of the
13 same character as that which may be granted finally.” De Beers
14 Consol. Mines, 325 U.S. at 220. Absent that relationship or nexus,
15 the district court lacks authority to grant the relief requested.

16 Pacific Radiation Oncology, LLC v. Queen’s Medical Center, 810 F.3d 631, 636 (9th Cir. 2015).

17 In the foregoing decision, the Ninth Circuit relied on and approved of Devoe v. Harrington, 42
18 F.3d 470, 471 (8th Cir. 1994), in which the Eighth Circuit affirmed the denial of a prisoner’s
19 request for an injunction against retaliatory conduct by prison officials after he filed his lawsuit
20 (such as trumped-up disciplinary charges and requiring him to perform work beyond his
21 capabilities), because the retaliation issue was not related to the denial of medical care issue
22 presented by the complaint. As Devoe clarified, the purpose of a preliminary injunction is to
23 preserve the status quo and prevent irreparable harm until the court has an opportunity to rule on
24 the merits of the complaint, and thus, although assertions of new misconduct set forth in a motion
25 for a temporary restraining order or an injunction might support additional claims against a
26 defendant, they do not support granting injunctive relief. Devoe, 42 F.3d at 471; see also Pacific
27 Radiation Oncology, 810 F.3d at 636 (adopting the rule of Devoe and noting that it illustrates
28 “the exactitude by which courts evaluate whether a motion for injunctive relief is related to the
underlying claim”); Adair v. England, 193 F. Supp. 2d 196, 200 (D.D.C. 2002) (“when a motion
for a preliminary injunction ... raises issues different from those presented in the complaint, the
court has no jurisdiction over the motion”).

1 Here, plaintiff's motion complains that three entities (all non-parties) have falsified his
2 medical records and held him in isolation in retaliation for plaintiff's initiation of this action.
3 None of these issues are alleged in the pleading; indeed, these events occurred after this action
4 was filed. The required sufficient nexus does not exist between the matters set forth in the motion
5 and the claims alleged in the pleading.

6 In addition, plaintiff's motion should be denied because it is directed to non-parties over
7 whom the Court does not have jurisdiction. Zenith Radio Corp., 395 U.S. at 110.

8 **III. Conclusion**

9 Based on the foregoing, IT IS HEREBY RECOMMENDED that plaintiff's motion for a
10 temporary restraining order be denied.

11 These Findings and Recommendations will be submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
13 fourteen days after being served with these Findings and Recommendations, the parties may file
14 written objections with the Court. The document should be captioned "Objections to Magistrate
15 Judge's Findings and Recommendations." The parties are advised that failure to file objections
16 within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772
17 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

18 Dated: March 15, 2021

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22 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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