

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 Plaintiff seeks an order directing Defendants to: (1) cease denying Plaintiff
9 access to the prison law library; (2) cease denying “inmates in general” access to the law library;
10 (3) cease retaliatory behavior against Plaintiff for assisting other inmates; (4) cease retaliation
11 against Plaintiff by denying him access to the courts; (5) cease the “practice of using the COVID-
12 19 pandemic as an excuse to deny prisoners access to the court(s)”; (6) cease the
13 “unconstitutional practice of systematic interference with prisoners of Herlong, FCI,
14 constitutional right of access to the court(s)”; and (7) clarify that prisoners have a right of access
15 to the courts. ECF No. 7. According to Plaintiff, he will suffer irreparable injury in the absence
16 of a court order. See id. Plaintiff states: “Here, should this Court not provide relief, the
17 immediate and irreparable injury, as well as loss, will be the constitutional benefits and gains
18 bequeath [sic] by the Supreme Court for prisoners.” Id. at 9.

19 The Court finds injunctive relief is not warranted because Plaintiff has not
20 demonstrated he is likely to suffer irreparable harm. To the extent Plaintiff is being denied access
21 to the courts, he has a remedy at law in the form of the instant action. Additionally, Plaintiff has
22 not shown a likelihood of success on the merits of his First Amendment claim based on alleged
23 denial of access to the courts because Plaintiff has not alleged an actual injury. “Actual injury” is
24 prejudice with respect to contemplated or existing litigation, such as the inability to meet a filing
25 deadline or present a non-frivolous claim. See Phillips v. Hust, 477 F.3d 1070, 1075 (9th Cir.
26 2007). Plaintiff has not pointed to any prejudice with respect to contemplated or existing
27 litigation.

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1 Based on the foregoing, the undersigned recommends that Plaintiff's motion for
2 injunctive relief, ECF No. 7, be denied.

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

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10 Dated: November 23, 2020



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12 DENNIS M. COTA
13 UNITED STATES MAGISTRATE JUDGE
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