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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 EUREKA DIVISION

CARLOS GILBERT LAW,  
 Plaintiff,

v.

BLANDON, et. al.  
 Defendants.

No. 1:14-CV-1943 NJV (PR)

**ORDER DENYING MOTION  
 FOR PRELIMINARY  
 INJUNCTION**

(Doc. 36.)

Plaintiff proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. The Court recently ordered service and plaintiff has now filed a motion for a preliminary injunction. (Doc. 36.)

**A. Legal Standard**

“A preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). “The proper legal standard for preliminary injunctive relief requires a party to demonstrate ‘that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20).

To show irreparable harm, the “plaintiff must show that he is under threat of suffering ‘injury in fact’ that is concrete and particularized; the threat must be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to the challenged action of the defendant; and it must be likely that a favorable judicial decision will prevent or redress the injury.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009) (citing *Friends of Earth*,

1 *Inc. v. Laidlaw Environmental Servs. (TOC), Inc.*, 528 U.S. 167, 180-181 (2000)). In sum,  
2 an injunction “may only be awarded upon a clear showing that the plaintiff is entitled to  
3 relief.” *Winter*, 555 U.S. at 22.

4 In general, “[a] federal court may issue an injunction if it has personal jurisdiction  
5 over the parties and subject matter jurisdiction over the claim; it may not attempt to  
6 determine the rights of persons not before the court.” *Zepeda v. INS*, 753 F.2d 719, 727  
7 (9th Cir. 1985). One “becomes a party officially, and is required to take action in that  
8 capacity, only upon service of summons or other authority-asserting measure stating the  
9 time within which the party served must appear to defend.” *Murphy Bros., Inc. v. Michetti*  
10 *Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999).

11 **B. Analysis**

12 This action continues on plaintiff’s allegations that a deputy failed to protect him from  
13 being assaulted by other inmates. The incident appears to have occurred at the San  
14 Francisco County Jail located at 850 Bryant Street in San Francisco, and the defendant  
15 was a deputy at that location. Plaintiff has been moved several times and now resides at  
16 the San Francisco County Jail located at 1 Moreland Dr. in San Bruno.

17 In this motion, plaintiff seeks a preliminary injunction to protect him from future  
18 assaults by other inmates and retaliation by Defendant. The motion must be denied  
19 because the only the defendant in this action, who has not yet been served, does not  
20 appear able to provide the injunctive relief that plaintiff seeks. The defendant does not  
21 work at the facility where plaintiff is housed and there is no other named defendant in this  
22 action that could provide the relief plaintiff seeks. Even assuming there was an appropriate  
23 defendant, plaintiff only presents general allegations that he is in danger and at risk for  
24 retaliation, which is insufficient. His conclusory allegations do not show a concrete and  
25 particular threat to justify the issuance of such an extraordinary remedy.

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**CONCLUSION**

Plaintiff's motion for a preliminary injunction (Docket No. 36) is **DENIED**.

**IT IS SO ORDERED.**

Dated: November 3, 2014.

  
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NANDOR J. VADAS  
United States Magistrate Judge

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

CARLOS GILBERT LAW,

No. 1:14-CV-01943 NJV (PR)

Plaintiff,

v.

CERTIFICATE OF SERVICE

BLANDON, et al.,

Defendants.

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I, the undersigned, hereby certify that on November 3, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Carlos Gilbert Law  
SF#658840  
San Francisco Co. Jail  
1 Moreland Dr.  
San Bruno, CA 94066

*/s/ Linn Van Meter*

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Linn Van Meter  
Administrative Law Clerk to  
the Honorable Nandor J. Vadas