

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEENAN WILKINS,  
  
Plaintiff,  
  
v.  
  
SHERIFF GREG AHERN, et al.,  
  
Defendants.

) No. C 08-1084 MMC (PR)  
)  
) **ORDER DENYING PLAINTIFF’S**  
) **APPLICATION FOR TEMPORARY**  
) **RESTRAINING ORDER AND**  
) **PRELIMINARY INJUNCTION**  
)  
) (Docket No. 309)

On February 22, 2008, plaintiff, a pretrial detainee then incarcerated at the Santa Rita County Jail (“SRCJ”) and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. The operative pleading in the instant action is plaintiff’s Second Amended Complaint (“SAC”), a sixty-page document that the Court previously determined stated cognizable claims for relief, based on events that allegedly occurred between March 2007 and December 2008, during which time plaintiff was incarcerated at the SRCJ. By order filed November 30, 2011, the Court granted plaintiff’s request to stay the instant action pending resolution of criminal proceedings brought against him in Alameda County Superior Court.

Plaintiff has twice requested an order lifting the stay for the purpose of his seeking injunctive relief from the conditions of confinement at the Glen Dyer Detention Facility

1 (“GDDF”) where he currently is incarcerated. Both requests have been denied on the  
2 grounds that: (1) state criminal proceedings remain ongoing, and (2) the claims found  
3 cognizable in this action are based on events that allegedly occurred while plaintiff was  
4 incarcerated at the SRCJ not GDDF.

5 Now before the Court is plaintiff’s ex parte application for a temporary restraining  
6 order and preliminary injunction precluding jail officials from locking plaintiff in “multi  
7 purpose rooms with no seating.” The application will be denied for two reasons. First, as  
8 noted above, plaintiff has twice been denied leave to seek such injunctive relief in light of the  
9 current stay. Further, plaintiff has neither complied with the notice requirement for  
10 injunctive relief as required by Rule 65(a)(1) of the Federal Rules of Civil Procedure, nor  
11 certified the reasons for his not providing such notice, as required by Rule 65(b) of the  
12 Federal Rules of Civil Procedure.


13 **CONCLUSION**

14 For the foregoing reasons, plaintiff’s application for a temporary restraining order and  
15 preliminary injunction is hereby DENIED.

16 This order terminates Docket No. 309.

17 IT IS SO ORDERED.

18 DATED: July 20, 2012

19   
20 MAXINE M. CHESNEY  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28