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

JAMAAL SMITH,

Plaintiff,

v.

C.E. DUCART; D. MELTON;
LAWRY; SERGEANT J. LACY;
OFFICER A. SCHAAD; OFFICER S.
SKERIK; OFFICER H. HANOVER;
OFFICER M. HUMPHREY;
OFFICER P. HICKS; SERGEANT
ANDREW BARNEBURG; OFFICER
L. NORTHRUP, OFFICER G.W.
HEGGEN; OFFICER C.K.
BELLINGER,

Defendants.

No. C 15-3964 WHA (PR)

**ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION; DENYING REQUEST
FOR SUBPOENA**

(Dkt. Nos. 107, 108, 113, 116)

Plaintiff, an inmate at Kern Valley State Prison, filed this civil rights case under 42 U.S.C. 1983 alleging that prison officials at Pelican Bay State Prison (“PBSP”), where plaintiff was formerly housed, violated his constitutional rights. Defendants have been served and appeared.

Plaintiff has filed a motion for temporary and preliminary injunctive relief against the Warden of Corcoran State Prison, where Plaintiff was also housed previously, seeking access to his legal property there. The Corcoran Warden is not a defendant and plaintiff’s claims concern events at PBSP, not at Corcoran. A federal court must have personal jurisdiction over a person being enjoined, and if a party has not been served or appeared, the court may not make a decision determining his or her rights and obligations. Fed. R. Civ. P. 654(d); *See Zepeda v. United States*, 753 F.2d 719, 727 (9th Cir. 1983). The Corcoran Warden is not a party, has not been served, and has not appeared in this action. Therefore, plaintiff’s motion to enjoin him

1 must be **DENIED**. It is furthermore noted that the Corcoran Warden is located in the Eastern
2 District of California. If plaintiff wants to enjoin him, therefore, plaintiff must file suit in the
3 Eastern District against him seeking injunctive relief. Plaintiff may seek injunctive relief in this
4 case against the defendants who have been named and served. Plaintiff's motions for additional
5 time to file a reply brief are **DENIED** because a reply brief is not necessary.

6 Plaintiff has filed a request for subpoena duces tecum to obtain from the Secretary of the
7 Department of Corrections and Rehabilitation his signature, or that of his designee, approving
8 PBSP operational procedure 204 and a description of those operational procedures that do not
9 require such approval. Plaintiff has not explained the relevance of those documents to his
10 claims. Accordingly, the request is **DENIED**.

11 IT IS SO ORDERED.

12 Dated: July 27, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE