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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 STEVIE J. STEVENSON,

12 Plaintiff,

13 v.

14 JEFFREY BEARD, Ph.D, et al.,

15 Defendants.
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Case No.: 3:16-CV-03079-JLS-PCL

**ORDER DENYING PLAINTIFF'S
RENEWED MOTION FOR
PRELIMINARY INJUNCTION**

(ECF No. 18)

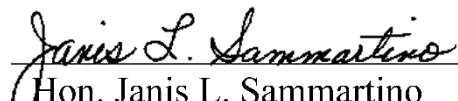
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18 On October 25, 2017, Plaintiff Stevie J. Stevenson, proceeding *pro se* and *in forma*
19 *pauperis*, filed a Motion for Preliminary Injunction, (ECF No. 18). Previously, this Court
20 had denied a similar motion filed by Plaintiff because the Court did not have personal
21 jurisdiction over the Defendants and Plaintiff had not alleged nor shown his claim met the
22 requirements for injunctive relief. (ECF Nos. 5, 6.) Plaintiff now argues his Motion is
23 timely and appropriate because of the Court's Order directing the U.S. Marshal to effect
24 service of Plaintiff's First Amended Complaint. (ECF No. 13.) Therein, the Court
25 ordered Plaintiff to serve upon Defendants "a copy of every further [filed document]
26 submitted for the Court's consideration." (*Id.* at 8.) Plaintiff argues his third claim
27 regarding the Centinela Prison mailroom staff not allowing Plaintiff to mail legal work
28 out of the prison warrants his request for injunctive relief. (ECF No. 18, at 2.)

1 In the absence of service of process (or waiver of service by the defendant), a court
2 ordinarily may not exercise power over a party the complaint names as defendant. *See*
3 *Omni Capital Int'l, Ltd. v. Rudolf Wolff & Co.*, 484 U.S. 97, 104 (1987) (“Before a . . .
4 court may exercise personal jurisdiction over a defendant, the procedural requirement of
5 service of summons must be satisfied.”); *Mississippi Publ’g Corp. v. Murphree*, 326 U.S.
6 438, 444–45 (1946) (“Service of summons is the procedure by which a court . . . asserts
7 jurisdiction over the person of the party served.”). Thus, one becomes a party officially,
8 and is subject to court orders, only upon service of a summons or other authority-
9 asserting measure stating the time within which the party served must appear and defend.
10 *See* Fed. R. Civ. P. 4(a). Because an injunction binds only “the parties to the action,”
11 their “officers, agents, servants, employees, and attorneys,” and “other persons who are in
12 active concert or participation,” an unserved defendant cannot be bound by an injunction.
13 Fed. R. Civ. P. 65(d)(2)(A)–(C).

14 In this case, Plaintiff has not yet served any of the 12 Defendants named in his
15 amended complaint. As such, this Court cannot exercise personal jurisdiction over these
16 Defendants. *Omni Capital*, 484 U.S. at 104. Because none of the named Defendants are
17 subject to the Court’s power, the Court cannot issue any type of injunction binding these
18 Defendants. Accordingly, Plaintiff’s motion for preliminary injunction is **DENIED**.

19 **IT IS SO ORDERED.**

20 Dated: December 4, 2017

21 
22 Hon. Janis L. Sammartino
23 United States District Judge
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