

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 Gilbert Anthony Torres,

12 Plaintiff,

13 v.

14 A. Jorin, et al.,

15 Defendants.

Case No.: 20-cv-00891-AJB-BLM

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

(Doc. No. 15)

16 Before the Court is Plaintiff's motion for preliminary injunction against Defendants
17 and other individuals. (Doc. No. 15 at 1–3 (requesting the Court to enjoin “Defendants,
18 their successors in office, agents, and employees and all other persons acting in concert
19 and participation with them” and “members or associates of the ‘Green Wall’”).)

20 “A preliminary injunction is an extraordinary remedy never awarded as of right.”
21 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). “A federal
22 court may issue an injunction if it has personal jurisdiction over the parties and subject
23 matter jurisdiction over the claim; it may not attempt to determine the rights of persons not
24 before the court.” *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983).

25 On July 9, 2020, after conducting a pre-answer screening pursuant to 28 U.S.C.
26 §§ 1915(e)(2) and 1915A(b), the Court directed service of Plaintiff's Complaint on
27 Defendants. (Doc. No. 7 at 8–10.) As of the date of this Order, Plaintiff has yet to serve
28

1 Defendants his Complaint.¹ Because Defendants have not been served, the Court does not
2 have personal jurisdiction over them, and may not attempt to determine their rights.
3 *Zepeda*, 753 F.2d at 727. *See* Fed. R. Civ. P. 4(c); *Zenith Radio Corp. v. Hazeltine*
4 *Research, Inc.*, 395 U.S. 100, 110 (1969) (“[O]ne is not bound by a judgment in personam
5 resulting from litigation . . . to which he has not been made a party by service of process.”)
6 Accordingly, the Court **DENIES** Plaintiff’s motion for preliminary injunction.

7 **IT IS SO ORDERED.**

8 Dated: October 14, 2020

9 
10 Hon. Anthony J. Battaglia
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27
28 ¹ The Court notes that Plaintiff’s Motion to Amend Complaint (Doc. No. 13) remains pending, and thus, the operative complaint for service on Defendants is Plaintiff’s initial Complaint (Doc. No. 1).