

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA

HELENA DIVISION

**FILED**  
AUG 23 2012  
By PATRICK E. DUFFY, CLERK  
DEPUTY CLERK, MISSOULA

FRANKLIN CORBIN EASTMAN,

Plaintiff,

vs.

ROSS SWANSON, et al.,

Defendants.

Cause No. CV 11-00073-H-DWM-RKS

ORDER

Plaintiff Franklin Eastman filed a document labeled “Supplemental/ Complaint” and “Motion for T.R.O” “in correction in name of defendant.” (Dkt. 21). This order will only deal with the motion for temporary restraining order. The amendment issues are referred to Judge Strong.

The claims remaining in this case are Mr. Eastman’s allegations regarding his legal mail, mental health care, harassment, being labeled a snitch, and retaliation.


It is somewhat unclear what Mr. Eastman is seeking to address in the motion for temporary restraining order. His motion has been construed as seeking a temporary restraining order prohibiting two non-defendant correctional officers from throwing away his “OSR kites” in retaliation for his filing this lawsuit. (Dkt.

21).

Mr. Eastman seeks injunctive relief against individuals who are not named as defendants in this action. This court is unable to issue an order against individuals who are not parties to a suit pending before it. Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

Accordingly, the Motion for a Temporary Restraining Order (Dkt. 21) is denied.

Dated this 23<sup>rd</sup> day of August, 2012.

 14:20  
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Donald W. Molloy, District Judge  
United States District Court