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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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HAROLD HARDEN,

Plaintiff,

v.

DR. MONNINGOFF and S/O AGULAR,

Defendants.

Case No. 2:14-CV-00377-APG-PAL

**ORDER DENYING MOTIONS FOR
TEMPORARY RESTRAINING
ORDER**

(Dkt. #67, #77)

10 Plaintiff Harold Harden, a prisoner at Ely State Prison, has filed two motions for
11 injunctive relief. The first requests that I transfer Harden to obtain a second opinion or for
12 surgery because Dr. Koehn, who is not a party to this case, is refusing to transfer him for surgery.
13 (Dkt. #67.) The second states that he has cysts that are not being treated at the prison even though
14 he has been scheduled for surgery since October 2014. (Dkt. #77.) He therefore requests a
15 transfer for surgery. (*Id.*)

16 Preliminary injunctive relief is appropriate where “the intermediate relief [is] of the same
17 character as that which may be granted finally.” *De Beers Consol. Mines v. United States*, 325
18 U.S. 212, 220 (1945). But a court cannot issue an injunction that “deals with a matter lying
19 wholly outside the issues in the suit.” *Id.*

20 Harden’s requested relief is wholly outside the issues in this lawsuit. Harden’s complaint
21 alleges that in April 2012, Dr. Monninghoff moved Harden to the mental health segregation unit
22 without prior notice and without his consent. (Dkt. #17 at 4.) He also alleges he was forced to
23 take drugs that resulted in an allergic reaction. (*Id.*) And he alleges defendant Aguilar transported
24 him to the mental health segregation unit against his will and without any notice or opportunity to
25 be heard. (*Id.*) Because his requested injunctive relief relates to matters wholly outside this
26 lawsuit, I must deny his motions for injunctive relief in this lawsuit.


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IT IS THEREFORE ORDERED that plaintiff Harold Harden’s motion for temporary injunction (Dkt. #67) is DENIED.

IT IS FURTHER ORDERED that plaintiff Harold Harden’s motion for a temporary restraining order (Dkt. #77) is DENIED.

DATED this 21st day of August, 2015.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE