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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FRANK M. PECK,

Plaintiff

v.

STATE OF NEVADA, et al.,

Defendants

Case No.: 2:18-cv-00237-APG-VCF

**Order Denying Motions for Temporary  
Restraining Order and Preliminary  
Injunction**

[ECF Nos. 161, 162]

Plaintiff Frank Peck moves to require the Nevada Department of Corrections to “stop the use of masks that protect the wearer and no one else.” ECF No. 161 at 3. Preliminary injunctive relief is appropriate where “the intermediate relief [is] of the same character as that which may be granted finally.” *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945). But a court cannot issue an injunction that “deals with a matter lying wholly outside the issues in the suit.” *Id.* Peck’s requested relief is wholly outside the issues in this lawsuit.

I THEREFORE ORDER that plaintiff Frank Peck’s motions for preliminary injunction and restraining order (**ECF Nos. 161, 162**) are **DENIED**.

DATED this 5th day of February, 2021.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE