

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ANTHONY L. WILSON,

Plaintiff,

vs.

PHIL PLUMMER, *et al.*,

Defendants.

Case No.: 3:12-CV-337

Judge Timothy S. Black
Magistrate Judge Michael J. Newman

**ORDER DENYING PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION (Doc. 49)**

This is a *pro se* § 1983 suit brought against officials at the Montgomery County, Ohio Jail, where Plaintiff was incarcerated pending his trial in the Montgomery County Common Pleas Court.

Plaintiff has since been transferred to, and is now incarcerated at, the London Correctional Institution ("LCI") in London, Ohio. (Doc. 43 at PageID 366).

During a recent telephone conference with the Court and opposing counsel, Plaintiff discussed his need to have access to legal materials at LCI. To that end, he has now filed a motion for a Preliminary Injunction. (Doc. 49). Specifically, he seeks additional time at the LCI law library, and he seeks relief prospectively from the LCI Warden "and her subordinates."¹ (*Id.* at PageID 390).

¹ Plaintiff seeks injunctive relief to prevent any retaliation that might possibly occur as a result of filing the instant motion. (Doc. 49 at PageID 390-91). Even if such claim were not premature, the Court lacks jurisdiction to consider this request as set forth in this Order. *See infra.*

LCI and its employees are controlled not by the Defendants named in this suit, but by the Ohio Department of Rehabilitation and Corrections (“ODRC”). Neither the ODRC nor the LCI employees from whom Plaintiff seeks relief are named as parties here. (*See* Doc. 43 at PageID 365) (clarifying that all of the Defendants named in Plaintiff’s second amended complaint are associated only with the Montgomery County Jail).

Accordingly, the Court therefore lacks jurisdiction to even consider granting the relief that Plaintiff seeks. *See* Fed. R. Civ. P. 65(d)(2) (limiting the binding effect of a Preliminary Injunction or Temporary Restraining Order to “the parties; the parties’ officers, agents, servants, employees, and attorneys; and other persons who are in active concert or participation with [such persons]”).

Wherefore, the Court **DENIES** Plaintiff’s motion for injunctive relief (Doc. 49).

Date: 1/2/14

/s/ Timothy S. Black
Timothy S. Black
United States District Judge