

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Calderon v. Covello

Calderon · No. 2:23-cv-2049 WBS CSK P · Decided August 12, 2025

SUMMARY

The document is findings and recommendations from the United States District Court for the Eastern District of California concerning a state prisoner’s request for transfer. The court construed the request as a motion for injunctive relief and recommended denial because the alleged conduct was not sufficiently related to the claims in the underlying § 1983 action.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 12, 2025
DOCKET	2:23-cv-2049 WBS CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se in a 42 U.S.C. § 1983 action requested transfer to protective housing, federal custody, or Mexico. The magistrate judge construed the request as a motion for injunctive relief and issued findings and recommendations that it be denied.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings and recommendations; subject to review by the assigned district judge.
PARTIES	Juan Carlos Calderon v. P. Covello, et al.

TOPICS

- injunctions
- prisoners rights
- section 1983
- civil rights
- equitable relief

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure
- injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiff's request for transfer should be construed as a motion for injunctive relief.
2. Whether injunctive relief is available when the injuries and conduct alleged in the motion are unrelated to the claims asserted in the underlying complaint.

HOLDINGS

1. The request for transfer was properly construed as a motion for injunctive relief.
2. The motion for injunctive relief should be denied because plaintiff did not demonstrate a relationship between the injuries and conduct alleged in the motion and the claims on which the action proceeds.

KEY QUOTATIONS

“[T]here must be a relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint.” (at 2)

FACTUAL BACKGROUND

Plaintiff is a state prisoner proceeding without counsel under 42 U.S.C. § 1983. His operative claims concern an alleged June 7, 2023 incident in which Officer Campos purportedly threw a grenade or bomb under plaintiff's cell door and failed to provide medical care for resulting injuries. In a later request for transfer, plaintiff alleged that countries and prison personnel were involved in efforts to implant chips, experiment on humans, manipulate his conduct and judgment, oppress him, and interfere with his parole date. He sought transfer to a protective housing unit, federal custody, or Mexico.

PROCEDURAL HISTORY

The action proceeds on plaintiff's amended complaint against Mule Creek State Prison Correctional Officer Campos concerning an alleged Eighth Amendment violation involving exposure to a grenade or bomb and denial of medical care. Plaintiff later filed a request for transfer based on alleged conspiracies, manipulation, oppression, isolation, disparate treatment, and interference with parole. The magistrate judge recommended denial because the injuries and conduct described in the transfer request were not related to the claims in the operative complaint. The findings and recommendations were submitted to the assigned district judge under 28 U.S.C. § 636(b)(1), subject to objections.

DISPOSITION

other

CASES CITED

- Pac. Radiation Oncology, LLC v. Queen's Medical Center, 810 F.3d 631, 636 (9th Cir. 2015)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Calderon v. Covello

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JUAN CARLOS CALDERON, No. 2:23-cv-2049 WBS CSK P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 P. COVELLO, et al., 15 Defendants. 16

17 I. INTRODUCTION

18 Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant 19 to
42 U.S.C. § 1983. Pending before the Court is plaintiff's request for transfer. (ECF No. 80.) 20 For
the following reasons, this Court recommends that plaintiff's request for transfer, construed 21 as a
motion for injunctive relief, be denied.

22 II. BACKGROUND

23 This action proceeds on plaintiff's amended complaint as to defendant Mule Creek State 24
Prison ("MCSP") Correctional Officer Campos. (ECF No. 10.) Plaintiff alleges that on June 7, 25
2023, defendant Campos violated the Eighth Amendment by throwing a grenade/bomb under 26
plaintiff's cell door without cause and failing to offer plaintiff medical care for the injuries caused
27 by exposure to the grenade/bomb. (Id.) 28 ///

1 III. MOTION FOR INJUNCTIVE RELIEF

2 In the pending motion, plaintiff claims that he has discovered new data of a conspiracy by 3
some countries to implant chips and experiment on humans which is manipulating plaintiff's 4
conduct, thinking, mood and judgment. (ECF No. 80 at 1.) Plaintiff claims that the actions of 5
defendant Campos and all prison employees, authorities, inmates and people in general are related
6 to the oppression, obstruction of justice, strict isolation and disparate treatment from which 7
plaintiff allegedly suffers. (Id. at 2.) Plaintiff claims that inmates and prison employees are 8
working to mess up plaintiff's parole date. (Id. at 2-3.) Plaintiff claims he has never committed 9
any crimes. (Id. at 3.) Plaintiff requests that the Court order plaintiff's transfer to the Protective 10
Housing Unit ("PHU") at California State Prison-Corcoran, federal custody or Mexico. (Id. at 4.)
11 This Court construes plaintiff's request for transfer as a motion for injunctive relief. 12 Plaintiff
has not demonstrated that the claims raised in the pending motion against defendant 13 Campos
and the other persons identified in the pending motion are related to the claims on which 14 this
action proceeds against defendant Campos. For this reason, plaintiff's motion for injunctive 15
relief should be denied. See *Pac. Radiation Oncology, LLC v. Queen's Medical Center*, 810 F.3d
16 631, 636 (9th Cir. 2015) ("[T]here must be a relationship between the injury claimed in the 17
motion for injunctive relief and the conducted asserted in the underlying complaint."). 18

Accordingly, IT IS HEREBY RECOMMENDED that plaintiff's request for transfer (ECF 19 No. 80), construed as a motion for injunctive relief, be denied.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: August 12, 2025
Cin

CHI SOO KIM

UNITED STATES MAGISTRATE JUDGE

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