

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.

OPINION

(PC) Calderon v. Covello

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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.

20 These findings and recommendations are submitted to the United States District Judge 21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 22 after being served with these findings and recommendations, any party may file written 23 objections with the court and serve a copy on all parties. Such a document should be captioned 24 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the 25 objections shall be filed and served within fourteen days after service of the objections. The 26 parties are advised that failure to file objections within the specified time may waive the right to 27 appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 28 /// 1 }

Dated: August 12, 2025 Cin □□□

CHI SOO KIM

3 UNITED STATES MAGISTRATE JUDGE

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