

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Steven Oscar Austin v. Unknown

Austin v. Unknown · No. 2:25-cv-2054 DAD CSK P · Decided December 5, 2025

OPINION

Unknown

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 STEVEN OSCAR AUSTIN, No. 2:25-cv-2054 DAD CSK P

12 Petitioner,

13 v. FINDINGS & RECOMMENDATIONS

14 UNKNOWN,

15 Respondent. 16

17 I. INTRODUCTION

18 Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas 19
corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is petitioner’s motion for a 20
temporary restraining order. (ECF No. 17.) For the following reasons, this Court recommends 21
that petitioner’s motion for a temporary restraining order be denied.

22 II. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

23 Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear 24
showing that the [petitioner] is entitled to such relief.” Winter v. Natural Res. Def. Council, Inc.,
25 555 U.S. 7, 22 (2008) (citation omitted). The standard governing the issuing of a temporary 26
restraining order is “substantially identical” to the standard for issuing a preliminary injunction. 27
See Stuhlberg Int’l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001). To 28
obtain either form of injunctive relief, the moving party must show: (1) a likelihood of success on
1 the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary
2 relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction
3 is in the public interest. See Winter, 555 U.S. at 20 (2008). A plaintiff seeking a preliminary 4
injunction bears the burden of proving these elements. See Klein v. City of San Clemente, 584 5
F.3d 1196, 1201 (9th Cir. 2009).

6 III. DISCUSSION

7 The petition appears to raise the following claims: (1) conviction obtained in violation of 8 the

Fourth Amendment; (2) ineffective assistance of counsel; (3) violation of *Brady v. Maryland*, 9 373 U.S. 83 (1963), Fourteenth Amendment right to due process and equal protection; and 10 (4) violation of Fifth Amendment right against self-incrimination, the Takings Clause, double 11 jeopardy and *Miranda v. Arizona*, 384 U.S. 436 (1966). (ECF No. 16 at 4-5.) This Court 12 separately issued an order finding that none of petitioner's claims are exhausted. (See ECF No. 13 18.) In this order, the Court granted petitioner thirty days to file a motion to stay this action while 14 petitioner exhausts his claims pursuant to *Rhines v. Weber*, 544 U.S. 269 (2005). 15 In the pending motion for a temporary restraining order, filed largely on a civil rights 16 complaint form, petitioner raises six claims. In claim one, petitioner alleges violation of the 17 Fourth Amendment, Fifth Amendment and Fourteenth Amendment. (ECF No. 17 at 2.) 18 Petitioner alleges that he was falsely imprisoned under a name that is not his name and that he has 19 been transferred from prison to prison against his will so that he is "hidden" in the system. (Id.) 20 Petitioner claims that he is falsely imprisoned and has suffered multiple injuries from targeted 21 assaults based on false rumors. (Id.) In claim two, petitioner alleges violation of the Eighth 22 Amendment, First Amendment and Fourteenth Amendment. (Id. at 18.) Petitioner claims that 23 false information regarding petitioner has been disseminated, including false information that 24 petitioner is transgender, has sex crimes convictions, is gay and is a federal informant. (Id.) In 25 claim three, petitioner alleges violation of the First Amendment, Fourth Amendment, Fifth 26 Amendment and Fourteenth Amendment. (Id. at 4.) Petitioner claims that his property was 27 transferred without his knowledge and/or approval. (Id.) Petitioner claims that he is being held 28 against his will while he attempts to obtain his property, which contains proof of his claims. (Id.) 1 In claim four, petitioner alleges violation of the First Amendment, Fourth Amendment, Eighth 2 Amendment and Fourteenth Amendment. (Id. at 5.) Petitioner claims that he was arrested 3 without a warrant and without probable cause. (Id.) Petitioner appears to claim that based on his 4 false arrest, "higher ups" maliciously prosecuted petitioner, slandered petitioner and declared 5 petitioner mentally ill in order to discredit petitioner and cover up this illegality. (Id.) Petitioner 6 claims that his identifying documents have been taken from him. (Id.) Petitioner claims that he 7 has been illegally drugged in order to be transported against his will. (Id.) Petitioner claims that 8 he has been prescribed medications he does not need. (Id.) Petitioner claims that he has been 9 denied proper medical treatment. (Id.) In claim five, petitioner alleges violation of the Fourth 10 Amendment, Fifth Amendment, Fourteenth Amendment and Thirteenth Amendment. (Id. at 6.) 11 Petitioner claims that he was arrested without probable cause and that he is factually innocent. 12 (Id.) Petitioner claims that he was maliciously prosecuted. (Id.) In claim six, petitioner alleges 13 violation of the First Amendment, Fourth Amendment, Fifth Amendment and Fourteenth 14 Amendment. (Id. at 7.) Petitioner claims that he has been denied access to the court and his mail 15 has been tampered with. (Id.) Petitioner claims that his legal property was "provided to others" 16 and that his address was fraudulently concealed to prevent adequate mail delivery. (Id.) 17 In his request for relief, petitioner requests the return of all property, an award of costs, 18 mandatory

restitution, an order for his release, an order to cease all transfers, an emergency 19 hearing to provide proof and an order for discovery. (Id. at 8.) 20 To the extent petitioner seeks injunctive relief regarding the merits of the claims raised in 21 the habeas corpus petition, petitioner fails to demonstrate a likelihood of success on the merits of 22 these claims because petitioner's claims are not exhausted. (See ECF No. 18.) For this reason, 23 petitioner's motion for a temporary restraining order should be denied. It also appears that many 24 of the claims raised in the pending motion are improperly raised in this habeas corpus petition as 25 they concern conditions of confinement. See *Preiser v. Rodriguez*, 411 U.S. 475, 499 (1973) (a 26 civil rights action is the "proper remedy" for a petitioner asserting "a constitutional challenge to 27 the conditions of his prison life, but not to the fact or length of his custody."). For example, 28 petitioner's claims alleging inadequate medical care and that he was placed in danger as a result 1 | of being falsely labeled transgender, gay, convicted of sex crimes and a federal informant concern 2 || conditions of confinement and should be raised in a civil rights action. Finally, petitioner may 3 || file a motion in the instant action raising claims alleging denial of access to legal property, denial 4 || of access to the courts and mail tampering if petitioner demonstrates that these conditions impact 5 || his ability to litigate the instant action. The pending motion fails to demonstrate petitioner's 6 || inability to litigate the instant action based on the alleged denial of access to legal property, denial 7 || of access to the courts or mail tampering. Accordingly, petitioner's motion for a temporary 8 | restraining order on these grounds should be denied. 9 Accordingly, IT IS HEREBY RECOMMENDED that petitioner's motion for a temporary 10 || restraining order (ECF No. 17) be denied. 11 These findings and recommendations are submitted to the United States District Judge 12 || assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 13 || after being served with these findings and recommendations, petitioner may file written 14 || objections with the court and serve a copy on all parties. Such a document should be captioned 15 || "Objections to Magistrate Judge's Findings and Recommendations." Petitioner is advised that 16 || failure to file objections within the specified time may waive the right to appeal the District 17 || Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). 18 19 | Dated: December 5, 2025 ry _- Aan Spe |

CHI SOO KIM

71 UNITED STATES MAGISTRATE JUDGE

22 53 Aust2054.156/2 24 25 26 27 28