

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McDonald v. Jones

McDonald · No. 2:24-cv-1027 TLN CSK P · Decided August 14, 2025

SUMMARY

The United States District Court for the Eastern District of California orders plaintiff Jeffrey D. McDonald to re-file a signed motion for a temporary restraining order within thirty days. The court explains that the unsigned motion cannot be considered under Federal Rule of Civil Procedure 11(a), and notes that the motion is procedurally insufficient because it does not address the required elements for injunctive relief or establish a nexus to the claims in the 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 14, 2025
DOCKET	2:24-cv-1027 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se under 42 U.S.C. § 1983, filed a renewed motion for a temporary restraining order and an extension of time. The court addressed the unsigned filing and the asserted grounds for injunctive relief.
STANDARD OF REVIEW	A temporary restraining order is an extraordinary remedy for which the movant bears the burden of clearly establishing likelihood of success on the merits, likelihood of irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The requested relief must also have a nexus to the claims pleaded in the action.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jeffrey D. McDonald v. Gena Jones, et al.

TOPICS

injunctions

civil rights

section 1983

civil procedure

PRACTICE AREAS

civil procedure

civil rights

injunctive relief

QUESTIONS PRESENTED

1. Whether the court could consider plaintiff's motion when it was not signed.
2. Whether plaintiff's renewed motion for a temporary restraining order was procedurally sufficient under the governing injunction standard.
3. Whether plaintiff's request for an extension of time was sufficiently clear and supported by an imminent deadline in this action.

HOLDINGS

1. A pro se party must sign motions and other papers submitted for filing under Federal Rule of Civil Procedure 11(a); because plaintiff's motion was unsigned, the court would not consider it unless plaintiff signed and re-filed it.
2. The renewed motion was procedurally insufficient because it did not address each element required for temporary injunctive relief and did not demonstrate the required nexus between the requested relief and the claims pleaded in the action.
3. The request for an extension of time was unclear and unsupported because discovery had closed and there was no imminent deadline requiring plaintiff to file anything in this case.

FACTUAL BACKGROUND

Plaintiff alleged that he was violently attacked by correctional staff on August 2, 2025, causing neurological and short-term memory problems. He sought a renewed temporary restraining order and an extension of time, asserting that he was awaiting discovery responses. The court noted that discovery had closed on May 30, 2025, and that no imminent deadline in this case required plaintiff to file anything.

PROCEDURAL HISTORY

Plaintiff filed a renewed motion for a temporary restraining order on August 11, 2025, together with a request for an extension of time. The motion was unsigned and did not address all required elements for injunctive relief. The court ordered plaintiff to re-file a signed motion within thirty days and warned that failure to do so would result in the motion being stricken.

DISPOSITION

other

CASES CITED

- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011)
- Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 633 (9th Cir. 2015)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 JEFFREY D. MCDONALD, No. 2:24-cv-1027 TLN CSK P 12 Plaintiff, 13
v. ORDER 14 GENA JONES, et al., 15 Defendants. 16 Plaintiff is a state prisoner, proceeding
without counsel, with a civil rights action pursuant 17 to 42 U.S.C. § 1983. Pending before the
Court is plaintiff's renewed motion for a temporary 18 restraining order filed August 11, 2025.

(ECF No. 24.) Plaintiff also seeks an extension of time 19 "to access how can plaintiff proceed!"
(Id. at 1.) Plaintiff claims he was violently attacked on 20 August 2, 2025, by 4 to 6 correctional
staff accompanied by Sgt. Moreno. Plaintiff states the 21 attack was so brutal he is having
difficulty "regaining his neurological thinking, and [his] short 22 term member has been severely
damaged." (Id.)

23 However, plaintiff's motion is not signed. (ECF No. 24 at 4.) Parties proceeding without 24
counsel are required to sign all pleadings, motions, and other papers submitted to the court for 25
filing. Fed. R. Civ. P. 11(a).

Thus, the Court is generally unable to consider plaintiff's motion 26 unless he signs and re-files
the motion. Plaintiff is provided an opportunity to re-file his motion 27 bearing his signature.
Failure to comply with this order will result in an order striking the motion 28 1 because it is not
signed. Fed. R. Civ. P. 11(a). 2 However, given the nature of plaintiff's filing, the Court advises
plaintiff of the following.

3 First, as presently written, plaintiff's motion for an extension of time is unclear. Plaintiff 4
claims he is waiting for discovery responses from counsel for defendants Chaves and Berumen. 5
However, in this case, discovery closed on May 30, 2025, well before the alleged August 2, 2025 6
attack on plaintiff. Further, the pretrial motions deadline was recently extended to October 6, 7
2025, at defendants' request.

(ECF No. 25.) Therefore, at present there is no imminent deadline 8 requiring plaintiff to file
anything with the Court in this case. However, as plaintiff noted, he is 9 pursuing other cases that
may require his attention: McDonald v. Newsom, 2:24-cv-02167 DC 10 SCR P (E.D. Cal.), and
McDonald v. Jones, 2:24-cv-02545 DC JDP P (E.D. Cal.). If plaintiff has 11 deadlines pending in
those cases, plaintiff must seek extensions of time in those cases.

12 Second, plaintiff's purported "renewed motion for temporary restraining order" is 13
procedurally insufficient in that it fails to address each of the elements required to seek injunctive

14 relief. A temporary restraining order is “an extraordinary remedy” and may be issued only if 15 plaintiff establishes: (1) likelihood of success on the merits; (2) likelihood of irreparable harm in 16 the absence of preliminary relief; (3) that the balance of equities tips in his/her favor; and (4) that 17 an injunction is in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 18 (2008). Plaintiff bears the burden of clearly satisfying all four prongs. Alliance for the Wild 19 Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011). Plaintiff was provided the standards 20 governing such a request in the September 6, 2024 findings and recommendations. (ECF No. 11.) 21 In addition, as the Court previously noted, plaintiff must demonstrate a nexus between the 22 injunctive relief he seeks with the claims brought in this action.

See Pac. Radiation Oncology, 23 LLC v. Queen’s Med. Ctr., 810 F.3d 631, 633 (9th Cir. 2015) (“When a Plaintiff seeks injunctive 24 relief based on claims not pled in the complaint, the court does not have the authority to issue an 25 injunction.”). 26 In accordance with the above, IT IS HEREBY ORDERED that within thirty days from the 27 date of this order, plaintiff shall re-file a signed motion.

Plaintiff’s failure to comply with this 28 order will result in an order striking the unsigned motion (ECF No. 24). Dated: August 14, 2025 7 Chm Spo (EL 3 CHI S00 KIM 4 UNITED STATES MAGISTRATE JUDGE /A/medo1027.r11+ 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28