

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.

OPINION

(PC) McDonald v. Jones

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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
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4 UNITED STATES MAGISTRATE JUDGE
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