

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sykes v. Galindo, et al.

Sykes · No. 1:23-cv-01770-KES-EPG (PC) · Decided September 15, 2025

OPINION

Galindo

PER CURIAM.

1 2 3 4 5 6

UNITED STATES DISTRICT COURT

7

EASTERN DISTRICT OF CALIFORNIA

8 9 TROY SYKES, Case No. 1:23-cv-01770-KES-EPG (PC) 10 Plaintiff, ORDER ADOPTING
FINDINGS AND 11

RECOMMENDATIONS TO DENY

v. PLAINTIFF’S REQUEST FOR INJUNCTIVE

12 RELIEF

GALINDO, et al.,

13 Docs. 46, 49

Defendants. 14 15 16 Plaintiff Troy Sykes is a state prisoner proceeding pro se and in forma pauperis in this 17 civil rights action filed pursuant to 42 U.S.C. § 1983. Docs. 1, 7. The matter was referred to a 18 United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 19 On June 16, 2025, plaintiff filed a motion seeking, among other things, injunctive relief in 20 connection with an upcoming prison transfer which he views as a retaliatory action for having 21 filed this and another lawsuit. Doc. 46. On July 7, 2025, the assigned magistrate judge issued 22 findings and recommendations recommending that plaintiff’s request for injunctive relief be 23 denied. Doc. 49. Specifically, the magistrate judge found that plaintiff could not bring a motion 24 for injunctive relief to prevent his transfer to a different prison facility because there is no 25 pending claim for retaliation in this case. Id. at 2. Additionally, the magistrate judge found that 26 plaintiff did not allege that any of the defendants in this case are the ones moving him to a new 27 facility. Id. The findings and recommendations were served on plaintiff at the address of record 28 on file as of July 7, 2025, and contained notice that any objections thereto were to be filed within 14 fourteen days after service.¹ Id. at 2. No objections were filed and the time to do so has passed. 2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 3 novo review of this case. Having carefully reviewed the file, the Court finds that the conclusion 4 that plaintiff’s request for injunctive relief should be

denied is supported by the record. 5 The injunctive relief plaintiff seeks “is an extraordinary remedy never awarded as of 6 right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citing *Munaf v. Geren*, 553 U.S. 674, 689–90 (2008)). To obtain the relief he seeks, plaintiff “must establish that he is likely 8 to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary 9 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”

10 *Id.* at 20 (citing *Munaf*, 553 U.S. at 689–90; *Amoco Prod. Co. v. Vill. of Gambell*, AK, 480 U.S.

11 531, 542 (1987); *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311–12 (1982)). “The Ninth 12 Circuit has held that ‘serious questions going to the merits and a hardship balance that tips 13 sharply toward the plaintiff can support the issuance of an injunction, assuming the other two 14 elements of the *Winter* test are also met.’” *Price v. Breitenbach*, No. 3:24-CV-00118-CSD, 2025 15 WL 1517909, at *2 (D. Nev. May 28, 2025) (quoting *All. for the Wild Rockies v. Cottrell*, 632 16 F.3d 1127, 1132 (9th Cir. 2011)). 17 Moreover, as the Ninth Circuit has explained, 18 there must be a relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying 19 complaint. This requires a sufficient nexus between the claims raised in a motion for injunctive relief and the claims set forth in the 20 underlying complaint itself. The relationship between the preliminary injunction and the underlying complaint is sufficiently 21 strong where the preliminary injunction would grant “relief of the same character as that which may be granted finally.” Absent that 22 relationship or nexus, the district court lacks authority to grant the relief requested. 23 24 *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) (quoting 25 *De Beers Consol. Mines v. United States*, 325 U.S. 212, 220 (1945)). 26 27 1 Since filing the motion on June 16, 2025, plaintiff has been transferred. On July 28, 2025, plaintiff notified the Court of his new address. Doc. 50. 28 1 Here, plaintiff’s request for injunctive relief must be denied. As a general matter, 2 prisoners “have no constitutionally-protected liberty interest in being held at, or remaining at, a 3 given facility.” *Pratt v. Rowland*, 65 F.3d 802, 806 (9th Cir. 1995). “However, prisoners may 4 not be transferred in retaliation for exercising their First Amendment rights.” *Price*, 2025 WL 5 1517909, at *3 (citing *Pratt*, 65 F.3d at 806; *Rizzo v. Dawson*, 778 F.2d 527, 531 (9th Cir. 1985); 6 *Gomez v. Vernon*, 255 F.3d 1118, 1127–28 (9th Cir. 2001)). As the magistrate judge observed in 7 a prior order issued on June 3, 2025, this case proceeds on plaintiff’s retaliation claim against 8 defendants Omar Galindo, Oscar Hernandez, Preston Martin, and Vanessa Hernandez. Doc. 45 at 9 2; see also Doc. 17. The nature and basis of that claim is more fully set forth in order screening 10 plaintiff’s complaint, Doc. 8 at 7–8, but to the extent relevant here, the claim does not concern the 11 transfer plaintiff addresses in his motion for injunctive relief. 12 The complaint, which was filed on December 27, 2023, asserts that plaintiff was forced to 13 move after “a threat assessment was conducted on C-yard” due to defendants’ allegedly 14 retaliatory actions. Doc. 1 at 6. But that move significantly predates the filing of plaintiff’s 15 motion for injunctive relief. During the

pendency of this lawsuit, plaintiff appears to have only 16 been transferred to a different prison—
as opposed to moved within the same prison—on one 17 occasion on or around July 28, 2025.
Doc. 50. Plaintiff states that the reason given for that 18 transfer was “staff familiarity.” Doc. 46 at
2. He does not connect the transfer or rationale of 19 staff familiarity to any defendant in this case.
Moreover, his contention that the transfer was 20 retaliatory is insufficiently substantiated and
untethered to the retaliation claim in this case— 21 which concerns specific actions taken by
defendants after plaintiff filed grievances. In sum, 22 plaintiff has not set forth any basis to
support the existence of a “relationship between the injury 23 claimed in the motion for injunctive
relief and the conduct asserted in the underlying complaint.” 24 Pac. Radiation Oncology, LLC,
810 F.3d at 636. 25 /// 26 /// 27 /// 28 /// 1 Accordingly: 2 1. The findings and recommendations
issued on July 7, 2025, Doc. 49, are adopted; 3 2. Plaintiff's request for injunctive relief, Doc. 46,
is denied; and 4 3. This matter is referred back to the magistrate judge for further proceedings. 5 6
7 | ITISSO ORDERED. _

8 Dated: _ September 12, 2025 4h

9 UNITED STATES DISTRICT JUDGE

10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28