

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bland v. Cox

Bland · No. 2:20-CV-0715-WBS-DMC-P · Decided July 7, 2025

SUMMARY

The document contains findings and recommendations addressing Joshua Bland’s motions for injunctive relief in a 42 U.S.C. § 1983 action. The court recommends denying the motions because Bland did not show irreparable harm or a likelihood of success, and the requested order would be directed to unnamed prison officials who were not parties to the action. The recommendations were issued after Bland’s transfer to another prison and concern access to legal property.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dennis M. Cota
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 7, 2025
DOCKET	2:20-CV-0715-WBS-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se in a 42 U.S.C. § 1983 action moved for injunctive relief concerning access to legal papers, legal books, and a typewriter after being transferred to another prison. The magistrate judge issued findings and recommendations that the motions be denied.
STANDARD OF REVIEW	A party seeking a preliminary injunction must establish likelihood of success on the merits, likely irreparable harm absent relief, a favorable balance of hardships, and that an injunction is in the public interest. A mandatory injunction requires a heightened showing that the law and facts clearly support relief.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- injunctions
- prisoners rights
- section 1983
- civil rights
- equitable relief

PRACTICE AREAS

civil rights

prisoner litigation

injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiff established the requirements for preliminary or other injunctive relief.
2. Whether the court could issue an injunction directed to unnamed prison officials who were not parties to the action.
3. Whether plaintiff showed a sufficient relationship between the requested relief and the claims in the underlying complaint.

HOLDINGS

1. Plaintiff was not entitled to injunctive relief because he failed to identify irreparable harm, failed to demonstrate a particular likelihood of success on the merits, and sought relief against unnamed nonparty prison officials.
2. The motions for injunctive relief should be denied because plaintiff's transfer and the absence of evidence that he would return, together with his failure to establish the other requirements for relief, did not warrant an injunction.

KEY QUOTATIONS

“Under Winter, the proper test requires a party to demonstrate: (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of an injunction; (3) the balance of hardships tips in his favor; and (4) an injunction is in the public interest.” (at 1)

“Finally, the Court cannot issue an order directed at unnamed prison officials at Kern Valley State Prison who are not parties to the action.” (at 2)

FACTUAL BACKGROUND

Plaintiff, a prisoner, alleged that after his transfer to a different prison in April 2025, officials denied him access to legal papers, legal books, and a typewriter. He sought an order directing officials at Kern Valley State Prison to provide his property. The requested order would have been directed to unnamed prison officials who were not parties to the action.

PROCEDURAL HISTORY

Plaintiff filed a civil rights action under 42 U.S.C. § 1983 and later moved for injunctive relief. After plaintiff was transferred to a different prison, he sought an order directing officials at Kern Valley State Prison to provide his property. The magistrate judge recommended denial of both motions and advised the parties of the procedure for filing objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

CASES CITED

- Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
- Winter v. Natural Resources Defense Council, Inc., 129 S. Ct. 365, 374 (2008)
- Garcia v. Google, Inc., 786 F.3d 733, 740 (9th Cir. 2015) (en banc)
- American Trucking Ass'ns, Inc. v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009)
- Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir. 2013)
- Alliance for the Wild Rockies v. Cottress, 632 F.3d 1127, 1135 (9th Cir. 2011)
- Pacific Radiation Oncology, LLC v. Queen's Medical Center, 810 F.3d 631, 636 (9th Cir. 2015)
- De Beers Consolidated Mines, 325 U.S. 212, 220 (1945)
- Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969)
- Preiser v. Newkirk, 422 U.S. 395, 402-03 (1975)
- Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam)
- Wonnacott v. Heehn, 2021 WL 970453 (D. Oregon 2021)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Bland v. Cox

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JOSHUA BLAND, No. 2:20-CV-0715-WBS-DMC-P

12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 DEREK COX, et al., 15 Defendants. 16 17 Plaintiff, a prisoner proceeding pro se, brings this
civil rights action pursuant to 18 42 U.S.C. § 1983. Pending before the Court are Plaintiff's
motions for injunctive relief. See ECF

19 Nos. 46 and 47.

20 The legal principles applicable to requests for injunctive relief, such as a 21 temporary
restraining order or preliminary injunction, are well established. To prevail, the 22 moving party
must show that irreparable injury is likely in the absence of an injunction. See 23 Stormans, Inc. v.
Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing Winter v. Natural Res. 24 Def. Council, Inc.,
129 S.Ct. 365 (2008)). When a mandatory injunction is sought – one that goes 25 beyond simply
maintaining the status quo during litigation – the moving party bears a "doubly 26 demanding"

burden and must establish that the law and facts clearly supports injunctive relief. 27 See *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc). Mandatory injunctions 28 are "particularly disfavored" and "should not issue in doubtful cases." *Id.* (internal quotations 1 omitted). 2 To the extent prior Ninth Circuit cases suggest a lesser standard by focusing solely 3 on the possibility of irreparable harm, such cases are "no longer controlling, or even viable." 4 *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009). Under 5 *Winter*, the proper test requires a party to demonstrate: (1) he is likely to succeed on the merits; 6 (2) he is likely to suffer irreparable harm in the absence of an injunction; (3) the balance of 7 hardships tips in his favor; and (4) an injunction is in the public interest. See *Stormans*, 586 F.3d 8 at 1127 (citing *Winter*, 129 S.Ct. at 374). The Ninth Circuit also recognizes an additional 9 standard: "if a plaintiff can only show that there are 'serious questions going to the merits' – a 10 lesser showing than likelihood of success on the merits – then a preliminary injunction may still 11 issue if the 'balance of hardships tips sharply in the plaintiff's favor, and the other two *Winter* 12 factors are satisfied.'" See *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 13 2013) (quoting *Alliance for the Wild Rockies v. Cottress*, 632 F.3d 1127, 1135 (9th Cir. 2011)). 14 To prevail on a motion for injunctive relief, "there must be a relationship between 15 the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying 16 complaint." *Pac. Radiation Oncology, LLC v. Queen's Medical Ctr.*, 810 F.3d 631, 636 (9th Cir. 17 2015). Thus, there must be a nexus between the claims raised in the motion and the claims in the 18 underlying complaint itself. See *id.* This nexus is satisfied where the preliminary injunction 19 would grant "relief of the same character as that which may be granted finally." See *id.* (quoting 20 *De Beers Consol. Mines*, 325 U.S. 212, 220 (1945)). 21 The Court cannot issue an order against individuals who are not parties to the 22 action. See *Zenith Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 112 (1969). 23 Moreover, if an inmate is seeking injunctive relief with respect to conditions of confinement, the 24 prisoner's transfer to another prison renders the request for injunctive relief moot, unless there is 25 some evidence of an expectation of being transferred back. See *Prieser v. Newkirk*, 422 U.S. 26 395, 402-03 (1975); *Johnson v. Moore*, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam). Finally, 27 pursuant to the Prison Litigation Reform Act, any injunction with respect to prison conditions 28 "must be narrowly drawn, extend no further than necessary to correct the harm the court finds 1 || requires preliminary relief, and be the least intrusive means necessary to correct that harm." 18 2 | U.S.C. § 3626(a)(2); see also *Wonnacott v. Heehn*, 2021 WL 970453 (D. Oregon 2021). 3 In his motions, Plaintiff claims that, since being transferred to a different prison in 4 | April 2025, prison officials have not allowed Plaintiff to access his legal papers, legal books, and 5 || typewriter. See ECF Nos. 46 and 47. Plaintiff seeks a court order directing prison officials at 6 || Kern Valley State Prison to provide Plaintiff his property. See *id.* The Court finds that injunctive 7 || relief is not warranted. First, Plaintiff not identified any irreparable harm stemming from 8 || separation from his property. Second, Plaintiff has not demonstrated any particular likelihood of 9 || success on the merits of this case. Finally, the Court cannot issue an order

directed at unnamed 10 || prison officials at Kern Valley State Prison who are not parties to the
action. 11 Based on the foregoing, the undersigned recommends that Plaintiffs motions for 12 ||
myunctive relief, ECF Nos. 46 and 47, be denied. 13 These findings and recommendations are
submitted to the United States District 14 || Judge assigned to the case, pursuant to the provisions
of 28 U.S.C. § 636(b)(1).. Within 14 days 15 || after being served with these findings and
recommendations, any party may file written objections 16 || with the Court. Responses to
objections shall be filed within 14 days after service of objections. 17 || Failure to file objections
within the specified time may waive the right to appeal. See Martinez v. 18 | Yist, 951 F.2d 1153
(9th Cir. 1991). 19 20 | Dated: July 3, 2025 Co

21 DENNIS M. COTA

02 UNITED STATES MAGISTRATE JUDGE

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