

**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

OPINION

1 2 3 4 5 6 7 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 23 24 25 26 27 28

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