

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sinclair v. Schmit

No. 2:25-cv-0903 CSK P · No. No. 2:25-cv-0903 CSK P · Decided May 8, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the plaintiff an additional thirty days to submit an in forma pauperis application and certified inmate trust account statement. The magistrate judge recommends denying the plaintiff’s motion for preliminary injunctive relief without prejudice because defendants had not been served, the motion did not satisfy the Winter factors, lacked a clear nexus to the complaint, and was not narrowly drawn under the Prison Litigation Reform Act. The findings and recommendations were issued subject to objections within fourteen days.

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	May 8, 2025
DOCKET	No. 2:25-cv-0903 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A county jail inmate proceeding pro se brought a civil-rights action under 42 U.S.C. § 1983 and moved for preliminary injunctive relief before the complaint had been screened or any defendant had been served. The magistrate judge ordered an extension of time for plaintiff to submit his in forma pauperis materials and issued findings and recommendations that the motion for injunctive relief be denied without prejudice.
STANDARD OF REVIEW	Preliminary injunctive relief requires the movant to establish a likelihood of success on the merits, a likelihood of irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The court also considered personal jurisdiction, the required nexus between the requested injunction and the claims pleaded, and the Prison Litigation Reform Act’s narrow-tailoring and least-intrusive-means requirements.

PRECEDENTIAL VALUE	Unknown; magistrate judge findings and recommendations in an unpublished district-court matter
PARTIES	Alexander Sinclair v. Dylan Schmit, Judge Shauna Franklin, Judge Tami R. Bogert, Carol McBane, Andrew S. Crouse, Judge Kevin J. McCormick, Caity Maple, Jason Davis, Paul J. Bailey, Jefferson Gormon, Krishna Shorna, Gavin Newsom

TOPICS

injunctions

prisoners rights

section 1983

personal jurisdiction

civil procedure

PRACTICE AREAS

Prisoner civil rights

Federal civil procedure

Preliminary injunctive relief

Personal jurisdiction

QUESTIONS PRESENTED

1. Whether the court could grant preliminary injunctive relief against defendants who had not been served and over whom the court lacked personal jurisdiction.
2. Whether plaintiff established the Winter factors required for a preliminary injunction.
3. Whether the requested relief was sufficiently connected to the claims pleaded in the complaint.
4. Whether the requested relief satisfied the Prison Litigation Reform Act's requirements that prisoner injunctive relief be narrowly drawn, no broader than necessary, and the least intrusive means of correcting the alleged harm.

HOLDINGS

1. A federal district court may not grant the requested preliminary injunctive relief against defendants who have not been served with process because the court lacks personal jurisdiction over them.
2. Plaintiff was not entitled to preliminary injunctive relief because he did not address or establish the required Winter elements, including likely success on the merits, irreparable harm, favorable equities, and the public interest.
3. The court lacked authority to grant injunctive relief unrelated to the claims pleaded in the complaint.
4. The requested relief did not satisfy the Prison Litigation Reform Act because it was not narrowly drawn, did not extend no further than necessary to correct the alleged harm, and was not shown to be the least intrusive means of doing so.

KEY QUOTATIONS

“A preliminary injunction is an extraordinary remedy never awarded as of right.” (at 4)

“When a plaintiff seeks injunctive relief based on claims not pled in the complaint, the court does not have the authority to issue an injunction.” (at 5)

“Until defendants have been served with process, this Court lacks personal jurisdiction over them, and may not grant the injunctive relief he seeks.” (at 6)

“Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.” (at 6)

FACTUAL BACKGROUND

Plaintiff is a county jail inmate who alleges that officials and other defendants subjected him to retaliation, forced injections and blood draws, excessive force, inadequate medical care, unsanitary conditions, false disciplinary or mental-health records, and other misconduct. His motion for preliminary injunction sought broad and unclear relief, including investigations and information concerning other inmates and events in multiple counties. The complaint had not been screened, no defendant had been served, and plaintiff had not clearly connected the requested injunction to a specific claim in the complaint.

PROCEDURAL HISTORY

Plaintiff filed this § 1983 action and failed to submit the completed in forma pauperis application and certified six-month inmate trust-account statement required by a March 31, 2025 order. He filed a motion for preliminary injunction on May 5, 2025, alleging numerous largely incomprehensible incidents involving retaliation, forced medication, confinement, medical care, and other misconduct. Because the complaint had not yet been screened and defendants had not been served, the magistrate judge recommended denial of the motion without prejudice and granted plaintiff thirty additional days to submit the required filing-fee materials.

DISPOSITION

other

CASES CITED

- Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 23-24 (2008)
- City of Los Angeles v. Lyons, 461 U.S. 95, 111 (1983)
- Caribbean Marine Service Co. v. Baldridge, 844 F.2d 668, 674 (9th Cir. 1988)
- Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 130-31 (1969)
- FDIC v. Garner, 125 F.3d 1272, 1279-80 (9th Cir. 1997), cert. denied, 523 U.S. 1020 (1998)
- Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999)
- Pacific Radiation Oncology, LLC v. Queen's Medical Center, 810 F.3d 631, 633, 636 (9th Cir. 2015)
- Beaton v. Miller, 2020 WL 5847014, at *1 (E.D. Cal. Oct. 1, 2020)
- Gilmore v. People of the State of California, 220 F.3d 987, 998-99 (9th Cir. 2000)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Sinclair v. Schmit

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ALEXANDER SINCLAIR, No. 2:25-cv-0903 CSK P

12 Plaintiff,

13 v. ORDER AND

14 DYLAN SCHMIT, et al.,¹ FINDINGS & RECOMMENDATIONS

15 Defendants. 16

17 Plaintiff is a county jail inmate proceeding pro se with a civil rights action brought under 18 42 U.S.C. § 1983. Plaintiff's motion for injunctive relief is before the Court. As discussed 19 below, plaintiff is granted an extension of time to file the completed application for leave to 20 proceed in forma pauperis, along with a certified copy of his inmate trust account statement for 21 the past six months, and it is recommended that plaintiff's motion for injunctive relief be denied 22 without prejudice.

23 I. PLAINTIFF'S ALLEGATIONS

24 Plaintiff's first claim sets forth a litany of violations, citing Eighth and Fourteenth 25 Amendment violations, racist retaliation, excessive property, sabotage, conspiracy, fraud, kidnap, 26 27 1 Plaintiff objects to the omission of his first named defendant in the complaint, "Respondent(s) for Sinclair v. Clark High Court." (ECF No. 6 at 1.) However, such defendant is not an 28 identifiable person; therefore, the Court used "Dylan Schmit" as the leading defendant. 1 false document, and access to the courts. (ECF No. 1 at 3.) Plaintiff claims that on June 20, 2 2023, he was kidnapped to a mental hospital without correct documents where he was cell 3 extracted and illegally forcibly injected, and also suffered an illegal blood draw. (Id.) Plaintiff 4 alleges that defendants Bogert, McCormick, Franklin, Schmit, McBane, Maple, Shorna, and 5 Crouse "had servants sabotage evidence" against plaintiff. (Id.) The remaining allegations in 6 claim one are incomprehensible, although plaintiff refers to inadequate pain medication, false 7 extradition, racist harassment, unsanitary conditions, and excessive force. (Id. at 3, 7-9.) 8 In his second claim, plaintiff alleges "search and seizure," "in on destroying evidence and 9 sabotage in civil suit as unknown conjugal partner." (Id. at 4.) Plaintiff claims "Tracey Master(s) 10 falsif[ied] attack in being a witness to assault w[ith] deadly weapon then tr[ied] to avoid perjury 11 [by] admit[ing] it's two on one." (Id.) LeRose prepared false documents for bribery with 12 defendant "Gavin Newsom and Jim Brown in an extradition warrant" in Washington State. (Id.) 13 Plaintiff also appears to claim he was falsely classified as mentally ill, and was subjected to a 14 false incident report. (Id.) Plaintiff refers to the Los Angeles County Sheriff's Department and 15 District Attorney's Office, but their relevance is unclear. The remainder of plaintiff's second 16

claim is incomprehensible. (Id.) 17 In his third claim, plaintiff claims he was denied the right to a speedy trial, “falsify 18 absentia due process clause,” and retaliation. (Id. at 5.) Plaintiff claims he was illegally forced to 19 the state hospital without going to court by use of excessive force. (Id.) 20 Plaintiff names thirteen defendants: (1) “Respondent(s) for Sinclair v. Clark High 21 Court;” (2) Dylan Schmit; (3) Judge Shauna Franklin; (4) Judge Tami R. Bogert; (5) Carol 22 McBane; (6) Public Defender Andrew S. Crouse; (7) Judge Kevin J. McCormick; (8) Sacramento 23 County Supervisor Caity Maple; (9) Jason Davis; (10) Paul J. Bailey; (11) Jefferson Gormon; 24 (12) Krishna Shorna; and (13) Governor Gavin Newsom. (ECF No. 6 at 2, 7.) Plaintiff refers to 25 each defendant as a “conjugal partner.” (Id.) 26 Plaintiff appears to seek money damages, but his other requests for relief are unclear. (Id. 27 at 6, 10-12.) Plaintiff also mentions his other case, Sinclair v. Clark, No. 2:24-cv-0038 TLN EFB 28 1 P (E.D. Cal.).² (ECF No. 1 at 6.) In Sinclair v. Clark, plaintiff filed a petition for writ of habeas 2 corpus alleging, among other things, a violation of his right to a speedy trial. Sinclair v. Clark,

3 No. 2:24-cv-0038 TLN EFB P (ECF No. 1). On August 20, 2024, the petition was dismissed for 4 failure to comply with Rule 2(c) of the Rules Governing Section 2254 Cases and Rule 8 of the 5 Federal Rules of Civil Procedure, and plaintiff was granted leave to file an amended petition, as 6 well as to file an application to proceed in forma pauperis or pay the appropriate filing fee. Id. 7 (ECF No. 4.) On March 27, 2025, the assigned magistrate judge recommended that the case be 8 dismissed without prejudice based on plaintiff’s failure to comply with the August 26, 2024 9 order. Id. (ECF No. 8.)

10 II. MARCH 31, 2025 ORDER

11 In this case, plaintiff was ordered to file a completed in forma pauperis affidavit and a 12 certified copy of his inmate trust account statement, and was cautioned that failure to do so would 13 result in a recommendation that this action be dismissed. (ECF No. 4.) The thirty day period has 14 now expired, and plaintiff has not filed the required documents. However, in his motion for 15 preliminary injunction, plaintiff claims he cannot get the in forma pauperis application done due 16 to “racial bias.” (ECF No. 6 at 1.) Plaintiff claims that on January 5, 2025, he mailed a “Motion 17 of Notice on Emergency Response on Respondent’s Malice Misconduct . . . “ to Judge Kim. (Id.) 18 However, Judge Kim’s case was not opened until March 20, 2025, and plaintiff’s motion was 19 filed in his earlier case, Sinclair v. Clark, No. 2:24-cv-0038 TLN EFB P (ECF No. 5) on January 20 13, 2025. Because that document was filed before this case was opened, it cannot explain why 21 plaintiff failed to comply with the March 31, 2025 order issued in this case. 22 Plaintiff is advised that if he is unable to comply with a court order, he should file a 23 request for extension of time, explaining why he is unable to meet the deadline. In an abundance 24 of caution, plaintiff is granted an additional thirty days to comply with the March 31, 2025 order. 25 Failure to provide these documents will result in a recommendation that this action be dismissed. 26 2 A court may take judicial notice of court records. See, e.g., Bennett v. Medtronic, Inc., 285 27 F.3d 801, 803 n.2 (9th Cir. 2002) (“[W]e may take notice of proceedings in other courts, both

within and without the federal judicial system, if those proceedings have a direct relation to 28 matters at issue”) (internal quotation omitted).

1 III. MOTION FOR PRELIMINARY INJUNCTION

2 A. Plaintiff’s Allegations 3 On May 5, 2025, plaintiff filed a motion for preliminary injunction.
(ECF No. 6.) 4 Plaintiff contends he has been “having racist retaliation” since he filed his petition
in Case No. 5 2:24-cv-0038 TLN EFB. (Id. at 1.) Plaintiff’s allegations are incomprehensible,
ranging as 6 follows: “racist retaliation by Governor Newsom on its servant Barborsa, brother in
law . . . to 7 Newsom C.H.P.,” “retaliation starved [him] out” in March and April 2025, “attempted
murder on 8 [plaintiff] destroyed [his] notes,” on March 28, 2025, defendant Krishna Shorna
“knowingly” and 9 “illegally” forcibly injected plaintiff with illegal blood draw with cell
extraction ordered by Judge 10 Benjamin Cassady; plaintiff was denied a witness, but no specific
proceedings are identified; last 11 shower on March 27, 2025, still receiving cold food; false
disciplinary on or about July 18 or 19, 12 2024; “known kidnap and robbery with dirty needle with
S.T.D. the Chief of State Hospital aware 13 of who is conjugal partner with San Luis Obispo
County” and refused to contact county law 14 enforcement; Judge Cassady’s order of transfer was
void; medical denied plaintiff his keep on 15 person asthma pump and nasal spray around April 18
or 19, 2025; plaintiff is considered a 16 hostage because he was not supposed to return to the
Sacramento County Jail without 17 prosecution; and references invasion of privacy, rape and
murder, and claims he was subjected to 18 a conservatorship against his will. (Id. at 1-3.) Plaintiff
refers to an incident in 2011 in Los 19 Angeles County, and to San Luis Obispo County, but it is
unclear what relevance those have to 20 plaintiff’s claims in this action.³ (Id. at 1, 2, 3.) 21
Plaintiff’s requested relief is similarly unclear. For example, plaintiff asks that all 22 servants
involved in the misconduct go to the dump and find all of plaintiff’s documents. (Id. at 23 4.)
Plaintiff seeks all information on other inmates subject to false conservatorships with illegal 24
forced injections and illegal blood draws. Plaintiff seeks an investigation into human trafficking 25
in Los Angeles, Sacramento and San Francisco. (Id.) Plaintiff wants all professionals who 26 27 3
Indeed, to the extent plaintiff is attempting to bring claims based on incidents that took place in
Los Angeles or San Luis Obispo Counties, such claims must be commenced, if at all, in the 28
United States District Court for the Central District of California. 1 falsified his mental health
records to be charged and “license disbarred for malpractice.” (Id. at 2 5.) 3 B. Legal Standards 4
“A preliminary injunction is an extraordinary remedy never awarded as of right.” Winter 5 v. Nat.
Res. Def. Council, Inc., 555 U.S. 7, 24 (2008). To qualify for injunctive relief, plaintiff 6 must
demonstrate: (1) a likelihood of success on the merits; (2) a likelihood that he will suffer 7
irreparable harm without an injunction; (3) the balance of equities tips in his favor; and (4) an 8
injunction is in the public interest. Id. at 20. A deficiency in any element precludes relief. Id. at 9
23. 10 As to the second element of Winter, an injunction “is unavailable absent a showing of 11
irreparable injury, a requirement that cannot be met where there is no showing of any real or 12
immediate threat that the plaintiff will be wronged again -- a likelihood of substantial and 13

immediate irreparable injury.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 111 (1983) (internal quotation marks and citation omitted). Speculative injury does not constitute irreparable harm. 15 See *Caribbean Marine Serv. Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988). A presently 16 existing actual threat must be shown, although the injury need not be certain to occur. *Zenith 17 Radio Corp. v. Hazeltine Research, Inc.*, 395 U.S. 100, 130-31 (1969); *FDIC v. Garner*, 125 F.3d 18 1272, 1279-80 (9th Cir. 1997), cert. denied, 523 U.S. 1020 (1998). 19 Procedurally, a federal district court may issue emergency injunctive relief only if it has 20 personal jurisdiction over the parties and subject matter jurisdiction over the lawsuit. See *Murphy 21 Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999) (noting that one “becomes a 22 party officially, and is required to take action in that capacity, only upon service of summons or 23 other authority-asserting measure stating the time within which the party served must appear to 24 defend.”). 25 In addition, the injunctive relief an applicant requests must relate to the claims brought in 26 the complaint. See *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 633 (9th 27 Cir. 2015) (“When a plaintiff seeks injunctive relief based on claims not pled in the complaint, 28 the court does not have the authority to issue an injunction.”). Absent a nexus between the injury 1 claimed in the motion and the underlying complaint, the court lacks the authority to grant plaintiff 2 any relief. *Id.* at 636; see also *Beaton v. Miller*, 2020 WL 5847014, at *1 (E.D. Cal. Oct. 1, 2020) 3 (the court’s jurisdiction is “limited to the parties in this action” and the pendency of an action 4 “does not give the Court jurisdiction over prison officials in general or over the conditions of an 5 inmate’s confinement unrelated to the claims before it.”). 6 Finally, the Prison Litigation Reform Act (“PLRA”) imposes additional requirements on 7 prisoner litigants seeking preliminary injunctive relief against prison officials. In such cases, 8 “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to 9 correct the harm the court finds requires preliminary relief, and be the least intrusive means 10 necessary to correct that harm.” 18 U.S.C. § 3626(a)(2); *Villery v. California Dep’t of Corr.*, 11 2016 WL 70326, at *3 (E.D. Cal. Jan. 6, 2016). As the Ninth Circuit observed, the PLRA places 12 significant limits upon a court’s power to grant preliminary injunctive relief to inmates, and 13 “operates simultaneously to restrict the equity jurisdiction of federal courts and to protect the 14 bargaining power of prison administrators—no longer may courts grant or approve relief that 15 binds prison administrators to do more than the constitutional minimum.” *Gilmore v. People of 16 the State of California*, 220 F.3d 987, 998-99 (9th Cir. 2000). 17 C. Discussion 18 Here, plaintiff’s complaint has not yet been screened, and no defendant has been served 19 with process. Until defendants have been served with process, this Court lacks personal 20 jurisdiction over them, and may not grant the injunctive relief he seeks. See Fed. R. Civ. P. 21 65(d)(2); *Murphy Bros, Inc.*, 526 U.S. at 350. 22 Further, plaintiff did not address the elements required under *Winter*: “that he is likely to 23 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary 24 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” 25 *Winter*, 555 U.S. at 20. In addition, plaintiff failed to clearly identify the specific injunctive relief 26 he seeks that is

related to a claim raised in his complaint. Plaintiff has not clearly identified a 27 nexus between the injunctive relief sought and a specific claim raised in the complaint. Pac. 28 Radiation Oncology, 810 F.3d at 633. 1 Finally, the requested relief the Court could glean from plaintiff's motion is not narrowly 2 drawn, does not extend any further than necessary to correct the alleged harm, and does not 3 appear to be the least intrusive means necessary to correct that harm. Indeed, plaintiff's motion 4 does not make clear what harm plaintiff allegedly faces absent preliminary relief. Therefore, 5 plaintiff's motion also violates the PLRA. 6 For the above reasons, the Court recommends that plaintiff's motion for injunctive relief 7 (ECF No. 6) be denied without prejudice.

8 IV. CONCLUSION

9 In accordance with the above, IT IS HEREBY ORDERED that: 10 1. The Clerk of the Court is directed to assign a district judge to this case. 11 2. Plaintiff is granted thirty days from the date of this order to submit a completed 12 affidavit in support of the request to proceed in forma pauperis on the form provided by the Clerk 13 of Court, and a certified copy of the inmate trust account statement for the six month period 14 immediately preceding the filing of the complaint. 15 3. The Clerk of the Court is directed to send plaintiff a new Application to Proceed In 16 Forma Pauperis By a Prisoner. 17 4. Plaintiff's failure to comply with this order will result in a recommendation that this 18 action be dismissed without prejudice. 19 Further, IT IS RECOMMENDED that plaintiff's motion for injunctive relief (ECF No. 1 20 at 3) be denied without prejudice. 21 These findings and recommendations are submitted to the United States District Judge 22 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days 23 after being served with these findings and recommendations, any party may file written 24 objections with the court and serve a copy on all parties. Such a document should be captioned 25 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the 26 objections shall be filed and served within fourteen days after service of the objections. The 27 parties are advised that failure to file objections within the specified time may waive the right to 28 /// 1 || appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). 2 3 || Dated: May 8, 2025
Cin □□□

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5 UNITED STATES MAGISTRATE JUDGE

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