

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Kendall v. Brazil

No. 2:24-cv-03801-DAD-CSK (PC) (E.D. Cal. June 18, 2025) · No. 2:24-cv-03801-DAD-CSK (PC) · Decided  
June 20, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Adam Kendall’s motion for a temporary restraining order and preliminary injunction. The court concluded that the requested relief concerning his custody level and transfer to particular prison facilities was not sought in the complaint and could not be ordered against facilities or officials not properly before the court.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                             |
| WRITING FOR THE COURT | Dale A. Drozd                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                             |
| DECIDED               | June 20, 2025                                                                                                                                                                                                                                                                   |
| DOCKET                | 2:24-cv-03801-DAD-CSK (PC)                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Plaintiff sought a temporary restraining order and preliminary injunction in a 42 U.S.C. § 1983 prisoner civil-rights action. The district court reviewed and adopted a magistrate judge's findings and recommendations recommending denial of the requested injunctive relief. |
| STANDARD OF REVIEW    | De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C).                                                                                                                                                                           |
| PRECEDENTIAL VALUE    | unpublished, nonprecedential district court order                                                                                                                                                                                                                               |
| PARTIES               | Adam Kendall v. Brazil, et al.                                                                                                                                                                                                                                                  |

TOPICS

- injunctions
- prisoners rights
- section 1983
- civil rights
- civil procedure

## PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

injunctive relief

## QUESTIONS PRESENTED

1. Whether the requested temporary restraining order and preliminary injunction were sufficiently related to the injuries and conduct alleged in the complaint.
2. Whether the court could order prison officials to restore plaintiff's custody-level status or transfer him to a particular prison facility.
3. Whether the magistrate judge's findings and recommendations should be adopted after de novo review.

## HOLDINGS

1. A motion for injunctive relief must seek relief related to the injury and conduct asserted in the underlying complaint; the court may not grant relief based on materially different claims not pleaded in the complaint.
2. A federal court may not order a prisoner's transfer to a particular facility when the relevant facility or its administrators are not parties before the court, and a prisoner has no legal right to placement in a particular prison facility or custody level.

## KEY QUOTATIONS

*"We hold that there must be a relationship between the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying complaint."* (at 1)

*"However, the court observes that even if plaintiff were to succeed on the merits of his claims as asserted in his complaint, he has no legal right to be transferred to CMF, CMC, or any other prison facility."* (at 2)

## FACTUAL BACKGROUND

Kendall, a state prisoner, filed a § 1983 action concerning alleged misconduct and retaliation at Mule Creek State Prison. His complaint sought injunctive relief concerning prison practices, including body cameras, recording disciplinary hearings, and addressing alleged systemic retaliation, but did not request restoration of his level-3 override or transfer to specified facilities. His motion for injunctive relief instead sought restoration of that custody status and placement at the California Medical Facility or California Men's Colony; he was later transferred to another prison.

## PROCEDURAL HISTORY

Kendall filed his complaint and motion for a temporary restraining order and preliminary injunction on December 30, 2024. After receiving an opposition and reply, the magistrate judge issued findings and recommendations recommending denial because the requested relief was unrelated to the claims pleaded and because a prisoner has no right to placement in a particular facility or custody level. The district court conducted de novo review, overruled the objections, adopted the findings and recommendations, denied the motion, and referred the matter back to the magistrate judge for further proceedings.

**DISPOSITION**

other

**REMAND INSTRUCTIONS**

The matter was referred back to the assigned magistrate judge for further proceedings after the motion for a temporary restraining order and preliminary injunction was denied.

**CASES CITED**

- Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 636 (9th Cir. 2015)
- Zepeda v. United States Immigration & Naturalization Serv., 753 F.2d 719, 727 (9th Cir. 1985)
- Thompson v. Mike, No. 17-cv-00319-DKW-RLP, 2018 WL 2144145, at \*2 (D. Haw. May 9, 2018)

**OPINION**

(PC) Kendall v. Brazil

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 ADAM KENDALL, No. 2:24-cv-03801-DAD-CSK (PC)

11 Plaintiff, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS AND DENYING

12 v. MOTION FOR A TEMPORARY

RESTRAINING ORDER AND

13 BRAZIL, et al., PRELIMINARY INJUNCTION

14 Defendants. (Doc. Nos. 2, 15) 15 16 17 Plaintiff Adam Kendall is a state prisoner proceeding  
pro se in this civil rights action 18 brought pursuant to 42 U.S.C. § 1983. This matter was referred

to a United States Magistrate 19 Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

20 On December 30, 2024, plaintiff filed the complaint initiating this action along with a 21  
motion for a temporary restraining order and a preliminary injunction. (Doc. Nos. 1, 2.) On

22 January 24, 2025, the assigned magistrate judge requested that the California Department of  
23 Justice submit a response to the pending motion. (Doc. No. 7.) On February 4, 2025, 24

Supervising Deputy Attorney General Jon Allin filed an opposition by special appearance. (Doc.  
25 No. 11.) On February 25, 2025, plaintiff filed a reply. (Doc. No. 14.)

26 On February 28, 2025, the assigned magistrate judge issued findings and 27 recommendations  
recommending that plaintiff's motion for a preliminary injunction and 28 temporary restraining  
order be denied. (Doc. No. 15.) Specifically, the magistrate judge 1 observed that plaintiff's

motion seeks injunctive relief, such as relief restoring plaintiff's "level 3 2 override," prohibiting his return to the Mule Creek State Prison ("MCSP"), and requiring that he 3 be placed at either the California Medical Facility ("CMF") or the California Men's Colony 4 ("CMC"). (Id. at 4.) The magistrate judge noted that plaintiff "did not seek this relief in his 5 complaint" and for good reason—inmates do not have a right to a particular custody level or to be 6 housed in a particular prison. (Id. at 3–6) (citing *Pac. Radiation Oncology, LLC v. Queen's Med. 7 Ctr.*, 810 F.3d 631, 636 (9th Cir. 2015) ("We hold that there must be a relationship between the 8 injury claimed in the motion for injunctive relief and the conduct asserted in the underlying 9 complaint.")). The pending findings and recommendations were served on plaintiff and 10 contained notice that any objections thereto were to be filed within fourteen (14) days from the 11 date of service. (Id. at 7.) On March 18, 2025, plaintiff filed objections to the pending findings 12 and recommendations. (Doc. No. 18.) On April 14, 2025, plaintiff filed an additional notice 13 stating that he was transferred to the California Substance Abuse Treatment Facility and State 14 Prison and arguing that this transfer does not render moot his pending motion. (Doc. No. 19.) 15 In plaintiff's objections, plaintiff argues that he "is not seeking an injunction based on new 16 claims not within his complaint" and that accepting the magistrate judge's findings and 17 recommendations "will amount to an abandonment of the courts [sic] duty to construe pro se 18 pleadings liberally." (Doc. No. 18 at 9.) The court has reviewed plaintiff's complaint and finds 19 that it seeks injunctive relief ordering the warden to require every prison guard to wear a body 20 camera, provide the option to have all disciplinary hearings recorded, immediately address 21 alleged systemic retaliation and other misconduct at MCSP, and halt any training of new guards 22 "until the systemic retaliation is rooted out and the toxic unsafe culture of MCSP changed." 23 (Doc. No. 1 at 106.) In his complaint filed in this action, however, plaintiff does not seek 24 injunctive relief regarding restoring his level-3 status and effectuating his transfer to CMF or 25 CMC, although his 108-page complaint does include allegations regarding a purported physical 26 altercation between himself and prison guards at MCSP and the withdrawal of his "level-3 27 override." (Id. at 77, 86–87.) However, the court observes that even if plaintiff were to succeed 28 on the merits of his claims as asserted in his complaint, he has no legal right to be transferred to 1 | CMF, CMC, or any other prison facility. See Fed. R. Civ. P. 65(d)(2) (providing that an 2 | injunction binds only the parties, their officers, agents, servants, employees, and attorneys, and 3 | other persons actively in concert or participation with them); see also *Zepeda v. United States 4 | Immigration & Naturalization Serv.*, 753 F.2d 719, 727 (9th Cir. 1985) (\*A federal court may 5 || issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction 6 | over the claim; it may not attempt to determine the rights of persons not before the court."); 7 | *Thompson v. Mike*, No. 17-cv-00319-DKW-RLP, 2018 WL 2144145, at \*2 (D. Haw. May 9, 8 || 2018) ("Because neither the FDC (a federal facility) nor its administrators are parties to this 9 | action, the Court is without authority to issue an injunction that would compel the FDC to accept 10 | [the plaintiff]."). Accordingly, the court concludes that plaintiff's objections provide no basis 11 | upon

which to reject the pending findings and recommendations recommending that his motion 12 | for  
atemporary restraining order and preliminary injunctive relief be denied. 13 In accordance with the  
provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a 14 | de novo review of the case.  
Having carefully reviewed the entire file, the court finds the findings 15 | and recommendations to  
be supported by the record and by proper analysis. 16 Accordingly, 17 1. The findings and  
recommendations issued on February 28, 2025 (Doc. No. 15) are 18 hereby ADOPTED; 19 2.  
Plaintiff's motion for a preliminary injunction and temporary restraining order 20 (Doc. No. 2) is  
DENIED; and 21 3. This matter is referred back to the assigned magistrate judge for further 22  
proceedings. 23 IT IS SO ORDERED. \*" | Dated: \_ June 18, 2025 Dab A. 2, axel

25 DALE A. DROZD

UNITED STATES DISTRICT JUDGE

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