

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jeffrey D. McDonald v. Gena Jones, et al.

McDonald v. Jones · No. No. 2:24-cv-1027 TLN CSK P · Decided September 10, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends denying Jeffrey D. McDonald’s motion for a temporary restraining order because the alleged August 2025 retaliation and assault were not sufficiently connected to the claims in the underlying § 1983 action. The court vacates the pretrial motions deadline, grants plaintiff 90 days to indicate whether plaintiff can continue prosecuting the case, and denies the request for appointment of counsel without prejudice. The order also disregards plaintiff’s prior unsigned motion and confirms that discovery is closed.

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	September 10, 2025
DOCKET	No. 2:24-cv-1027 TLN CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner proceeding pro se in a 42 U.S.C. § 1983 action moved for a temporary restraining order, an enlargement of time, and appointment of counsel. The magistrate judge denied or recommended denial of the requested relief and issued findings and recommendations for the assigned district judge regarding the temporary restraining order.
STANDARD OF REVIEW	Temporary restraining orders and preliminary injunctions require a clear showing of likelihood of success on the merits, likelihood of irreparable harm absent relief, a favorable balance of equities, and consistency with the public interest. Appointment of counsel in a prisoner civil-rights action requires exceptional circumstances, evaluated by considering likelihood of success and the plaintiff's ability to articulate claims in light of their complexity. Modification of a scheduling order requires good cause.

PRECEDENTIAL VALUE

Unknown; order and findings and recommendations from a federal district court

TOPICS

injunctions

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

prisoner civil rights

federal civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to a temporary restraining order based on the alleged August 2, 2025 assault and related retaliation claims.
2. Whether the requested temporary restraining order was sufficiently connected to the claims pleaded in the complaint.
3. Whether the scheduling order should be modified and plaintiff granted additional time to determine whether plaintiff could continue prosecuting the action.
4. Whether exceptional circumstances warranted appointment of counsel for plaintiff.

HOLDINGS

1. A court may not grant injunctive relief based on claims not pleaded in the complaint; the requested relief must have a nexus to the claims and parties in the action. Because plaintiff's alleged retaliation and August 2, 2025 assault claims involved different conduct and nonparty correctional staff, the temporary restraining order should be denied.
2. A temporary restraining order is an extraordinary remedy and will not issue merely upon a showing that irreparable harm is possible; the movant must clearly establish all four Winter factors, including a likelihood of irreparable harm.
3. The court may modify the scheduling order for good cause, and good cause existed to vacate the pretrial-motions deadline and grant plaintiff 90 days to notify the court whether plaintiff could proceed.
4. Appointment of counsel was unwarranted because plaintiff failed to demonstrate exceptional circumstances.

KEY QUOTATIONS

“A temporary restraining order is “an extraordinary remedy” and may be issued only if plaintiff establishes: (1) likelihood of success on the merits; (2) likelihood of irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his/her favor; and (4) that an injunction is in the public interest.” (at 5)

“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 7)

FACTUAL BACKGROUND

Plaintiff, a state prisoner, alleges that defendants B. Chaves and Berumen used excessive force and failed to protect plaintiff from another inmate during an October 21, 2023 incident, allegedly motivated by racial bias. Plaintiff later alleged that correctional staff assaulted plaintiff on August 2, 2025, in retaliation for litigation and grievances, and sought emergency relief based primarily on that later incident. The alleged August 2 attack involved staff members who were not defendants in this action, and plaintiff did not identify a factual connection between that attack and the claims against Chaves and Berumen.

PROCEDURAL HISTORY

Plaintiff filed the complaint on April 4, 2024, alleging that correctional officers used excessive force and failed to protect plaintiff from another inmate. Defendants answered, and the court issued a discovery and scheduling order. Plaintiff later filed motions concerning an alleged August 2, 2025 assault, discovery, additional time, appointment of counsel, and temporary injunctive relief. The court disregarded an earlier unsigned filing, vacated the pretrial-motions deadline, granted plaintiff 90 days to indicate whether plaintiff could proceed, denied appointment of counsel without prejudice, and recommended denial of the temporary restraining order.

DISPOSITION

other

CASES CITED

- Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc., 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001)
- Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70, 415 U.S. 423, 439 (1974)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131, 1135 (9th Cir. 2011)
- Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 633, 636 (9th Cir. 2015)
- Beaton v. Miller, 2020 WL 5847014, at *1 (E.D. Cal. Oct. 1, 2020)
- Devose v. Herrington, 42 F.3d 470, 471 (8th Cir. 1994)
- Gilmore v. People of the State of California, 220 F.3d 987, 998-99 (9th Cir. 2000)
- Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989)
- Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991)
- Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990)
- Palmer v. Valdez, 560 F.3d 965, 970 (9th Cir. 2009)
- Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir.)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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