

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Puckett v. Catlin

Puckett · No. 2:23-cv-0210-DAD-JDP (P) · Decided May 1, 2025

SUMMARY

The document contains findings and recommendations addressing Plaintiff Durrell Anthony Puckett’s motion for a permanent injunction requiring his transfer to another institution. The magistrate judge recommends denying the motion because a permanent injunction is premature, the requested relief does not satisfy the applicable injunctive-relief standards, and the alleged claims concern conduct at a different institution from the one where plaintiff is currently housed. The 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	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 1, 2025
DOCKET	2:23-cv-0210-DAD-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for permanent injunctive relief requiring his transfer to another institution. The magistrate judge issued findings and recommendations recommending denial of the motion and permitting the parties to object under 28 U.S.C. § 636(b)(1).
STANDARD OF REVIEW	A preliminary injunction requires a showing of likely success on the merits, likely irreparable harm absent relief, a favorable balance of equities, and consistency with the public interest. A mandatory injunction is subject to a heightened standard requiring extreme or very serious noncompensable harm and non-doubtful merits. Under the Prison Litigation Reform Act, prospective relief must be narrowly drawn and the least intrusive means necessary to correct the harm.
PRECEDENTIAL VALUE	Unknown; findings and recommendations from a federal district court, with no reporter citation or precedential designation stated.

PARTIES

Durrell Anthony Puckett v. David Catlin, et al.

TOPICS

injunctions

prisoners rights

civil rights

equitable relief

civil procedure

PRACTICE AREAS

civil rights

prisoner litigation

injunctive relief

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff could obtain a permanent injunction requiring his transfer before a final determination of liability on the merits.
2. Whether plaintiff was entitled to preliminary or mandatory injunctive relief under the Winter factors and the heightened standard applicable to mandatory injunctions.
3. Whether the court could issue injunctive relief based on alleged constitutional violations occurring at a different prison and involving claims not pleaded in the operative complaint.
4. Whether the requested relief complied with the Prison Litigation Reform Act's requirement that prospective relief be narrowly drawn and minimally intrusive.

HOLDINGS

1. A permanent injunction may be granted only after a final hearing on the merits establishing liability; because no final merits determination had occurred, plaintiff was not entitled to the requested permanent injunction.
2. Even construing plaintiff's request as one for a preliminary injunction, relief was unwarranted because plaintiff failed to demonstrate the requirements identified in Winter, including a likelihood of success on the merits.
3. A mandatory injunction requiring a prison transfer is subject to a heightened standard and was not justified on plaintiff's showing.
4. The court lacked authority to issue injunctive relief based on claims not pleaded in the operative complaint, including alleged constitutional violations at a different prison.
5. Prospective injunctive relief in a prison case must be narrowly drawn and the least intrusive means necessary to correct the alleged harm.

KEY QUOTATIONS

"A permanent injunction may be granted only after a final hearing on the merits" (at 2)

"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 3)

FACTUAL BACKGROUND

Puckett alleged that, beginning in November 2024, he had been sexually assaulted four times, beaten, and transferred seven times during the preceding four months. He also alleged that correctional officers and nurses tampered with his mail, packages, and money, made derogatory accusations, and threatened to facilitate further harm. He sought transfer to a federal prison or state jail, attributing the alleged conduct to the direction of a former warden.

PROCEDURAL HISTORY

Puckett, a prisoner proceeding in a civil-rights action, sought an order transferring him to a federal prison or state jail based on alleged assaults, threats, interference with property and mail, and constitutional violations. The motion concerned conduct allegedly occurring at a prison other than the institution where he was then housed. The magistrate judge concluded that a permanent injunction was unavailable absent a final merits determination and that, even if construed as a request for a preliminary injunction, the motion failed to satisfy the applicable standards and was based on claims not pleaded in the operative complaint.

DISPOSITION

other

CASES CITED

- Lopez v. Brewer, 680 F.3d 1068, 1072 (9th Cir. 2012)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997) (per curiam)
- Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Porretti v. Dzurenda, 11 F.4th 1037, 1047 (9th Cir. 2021)
- Hernandez v. Sessions, 872 F.3d 976, 999 (9th Cir. 2017)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 879 (9th Cir. 2009)
- Gilmore v. People of the State of Cal., 220 F.3d 987, 999 (9th Cir. 2000)
- MAI Sys. Corp. v. Peak Comput., Inc., 991 F.2d 511, 520 (9th Cir. 1993)
- Earth Island Inst. v. Carlton, 626 F.3d 462, 469 (9th Cir. 2010)
- Guzman v. Shewry, 552 F.3d 941, 948 (9th Cir. 2009)
- Pac. Radiation Oncology, LLC v. Queen's Med. Ctr., 810 F.3d 631, 633 (9th Cir. 2015)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

OPINION

(PC) Puckett v. Catlin

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DURRELL ANTHONY PUCKETT, Case No. 2:23-cv-0210-DAD-JDP (P) 12 Plaintiff,

13 v. FINDINGS AND RECOMMENDATIONS

14 DAVID CATLIN, et al., 15 Defendants. 16 17 18 Plaintiff has filed a motion seeking permanent
injunctive relief in the form of an order 19 mandating his transfer to another institution.¹ ECF No.
74. For the reasons described below, I 20 recommend that the motion be denied. 21 “A preliminary
injunction is ‘an extraordinary and drastic remedy, one that should not be 22 granted unless the
movant, by a clear showing, carries the burden of persuasion.’” *Lopez v. 23 Brewer*, 680 F.3d
1068, 1072 (9th Cir. 2012) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 24 (1997) (per
curiam)); see also *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) 25 (citation
omitted) (“[a] preliminary injunction is an extraordinary remedy never awarded as of 26 right”).
Nonetheless, “federal courts must not shrink from their obligation to enforce the 27 1 Plaintiff
filed an identical motion in *Puckett v. Moreno*, Case No. 2:22-cv-0650-JDP, 28 ECF No. 97 (E.D.
Cal). 1 constitutional rights of all persons, including prisoners,” and must not “allow constitutional
2 violations to continue simply because a remedy would involve intrusion into the realm of prison
3 administration.” *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (citation omitted). 4 A
plaintiff seeking a preliminary injunction must show: (1) he is likely to succeed on the 5 merits;
(2) he is likely to suffer irreparable harm in the absence of injunctive relief; (3) the 6 balance of
equities tips in his favor; and (4) an injunction is in the public interest. *Winter*, 555 7 U.S. at 20.
The “balance of equities” concerns the burdens or hardships to a prisoner complainant 8 compared
with the burden on the government defendants if an injunction is ordered. *Id.* The 9 public interest
mostly concerns the injunction’s impact on nonparties. *Id.* (citation omitted). 10 Regardless, “[i]t
is always in the public interest to prevent the violation of a party’s constitutional 11 rights.” *Id.*
(citation omitted). 12 Where a plaintiff seeks a mandatory injunction, rather than a prohibitory
injunction, 13 injunctive relief is “subject to a higher standard” and is “permissible when ‘extreme
or very 14 serious damage will result’ that is not ‘capable of compensation in damages,’ and the
merits of 15 the case are not ‘doubtful.’” *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017)
(quoting 16 *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th
Cir. 2009)). 17 Further, under the Prison Litigation Reform Act, which applies here, injunctive
relief must be 18 narrowly drawn and must be the least intrusive means necessary to correct the
harm. 18 U.S.C. 19 § 3626(a)(2); see *Gilmore v. People of the State of Cal.*, 220 F.3d 987, 999
(9th Cir. 2000). 20 Plaintiff argues that, since November 2024, he has been: sexually assaulted
four times, 21 beaten, and, in the past four months, transferred seven times. ECF No. 74 at 1. He
states that 22 correctional officers and nurses have (1) tampered with his mail, packages, and
money; (2) called 23 him a rapist, sex offender, child molester, pervert, and “jack off artis[t]”; and
(3) are going to set 24 him up for indecent exposure in order to get him killed, beaten, stabbed, or
jumped. *Id.* He 25 argues that on April 5, he was sexually assaulted and beaten while wearing
handcuffs. *Id.* 26 Plaintiff states that he needs to be transferred to either federal prison or state jail.
Id. He argues 27 that all actions against him have been carried out at the behest of former warden

1 First and foremost, plaintiff seeks a permanent injunction. A permanent
injunction may 2 be granted only after a final hearing on the merits, see *MAI Sys. Corp. v. Peak
Comput., Inc.*, 991 3 F.2d 511, 520 (9th Cir. 1993) (“As a general rule, a permanent injunction will
be granted when 4 liability has been established”), and at this point, there has been no such
final determination. 5 But even if the court were to construe plaintiff’s request as one seeking
preliminary 6 injunctive relief, he has failed to identify the requisite factors set forth in *Winter*, 555
U.S. 7. 7 Consequently, plaintiff has not met his burden of demonstrating that injunctive relief is 8
warranted. See *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (“‘An injunction 9
is a matter of equitable discretion’ and is ‘an extraordinary remedy that may only be awarded 10
upon a clear showing that the plaintiff is entitled to such relief.’”) (quoting *Winter*, 555 U.S. at 11
376, 381). 12 Plaintiff’s motion further fails to show that he has a likelihood of success on the
merits of 13 this complaint. *Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009) (noting that
when a court 14 concludes that a movant has failed to show a likelihood of success on the merits,
the court, in its 15 discretion, need not consider whether the movant would suffer irreparable
injury). In the 16 operative complaint, plaintiff alleges that correctional officers at a prison other
than that where he 17 is now housed violated his First, Eighth, and Fourteenth Amendment rights.
See *Pac. Radiation 18 Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015)
 (“When a plaintiff seeks 19 injunctive relief based on claims not pled in the complaint, the court
does not have the authority 20 to issue an injunction.”). 21 Accordingly, it is hereby
RECOMMENDED that plaintiff’s motion for permanent 22 injunctive relief, ECF No. 74, be
DENIED. 23 These findings and recommendations are submitted to the United States District
Judge 24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
days 25 after being served with these findings and recommendations, any party may file written 26
objections with the court and serve a copy on all parties. Such a document should be captioned 27
“Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the 28
objections shall be served and filed within fourteen days after service of the objections. The 1 |
parties are advised that failure to file objections within the specified time may waive the right to 2
| appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez 3*
| *v. Yist*, 951 F.2d 1153 (9th Cir. 1991). 4 5 IT IS SO ORDERED. Dated: _ May 1, 2025 q——
7 JEREMY D. PETERSON
8 UNITED STATES MAGISTRATE JUDGE
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28