

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.

OPINION

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 Gena Jones. Id. 28 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