

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Michael Alan Dean Hill v. Jonathan Eslick, et al.

Hill v. Eslick · No. 2:25-cv-0748-JDP (P) · Decided September 16, 2025

OPINION

Eslick

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 MICHAEL ALAN DEAN HILL, Case No. 2:25-cv-0748-JDP (P) 12 Plaintiff,

13 v. ORDER; FINDINGS AND

RECOMMENDATIONS

14 JONATHAN ESLICK, et al., 15 Defendants. 16 17 18 Plaintiff, a county inmate proceeding
pro se, has filed a motion seeking injunctive relief in 19 the form of a court order changing his
prison classification status from high risk to regular. ECF

20 No. 17. For the reasons described below, I 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
constitutional rights of all persons, including prisoners,” and must not “allow constitutional 28 1
violations to continue simply because a remedy would involve intrusion into the realm of prison 2
administration.” *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (citation omitted). 3 A
plaintiff seeking a preliminary injunction must show: (1) he is likely to succeed on the 4 merits;
(2) he is likely to suffer irreparable harm in the absence of injunctive relief; (3) the 5 balance of
equities tips in his favor; and (4) an injunction is in the public interest. *Winter*, 555 6 U.S. at 20.
The “balance of equities” concerns the burdens or hardships to a prisoner complainant 7 compared
with the burden on the government defendants if an injunction is ordered. *Id.* The 8 public interest
mostly concerns the injunction’s impact on nonparties. *Id.* (citation omitted). 9 Regardless, “[i]t is
always in the public interest to prevent the violation of a party’s constitutional 10 rights.” *Id.*
(citation omitted). 11 Where a plaintiff seeks a mandatory injunction, rather than a prohibitory
injunction, 12 injunctive relief is “subject to a higher standard” and is “permissible when ‘extreme

or very 13 serious damage will result' that is not 'capable of compensation in damages,' and the merits of 14 the case are not 'doubtful.'" *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017) (quoting 15 *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th Cir. 2009)). 16 Further, under the Prison Litigation Reform Act, which applies here, injunctive relief must be 17 narrowly drawn and must be the least intrusive means necessary to correct the harm. 18 U.S.C. 18 § 3626(a)(2); see *Gilmore v. People of the State of Cal.*, 220 F.3d 987, 999 (9th Cir. 2000). 19 Plaintiff's motion should be denied because he has failed to address the Winter factors. 20 See *Winter*, 555 U.S. at 20. ("A plaintiff seeking a preliminary injunction must establish that he 21 is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of 22 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the 23 public interest."). 24 Denial would be appropriate anyway, however, since plaintiff asks this court to change his 25 classification status. Courts will not unreasonably interfere with prison operations. See *Turner v. 26 Safley*, 482 U.S. 78, 884-85 (1987); *Bell v. Wolfish*, 441 U.S. 520, 562 (1979) (admonishing 27 federal courts to avoid "becom[ing] increasingly enmeshed in the minutiae of prison operations"); 28 *Wylie v. Montana Women's Prison*, 2014 WL 6685983, at *3 (D. Mont. Nov. 25, 2014) (denying 1 preliminary injunction and declining to "interfere with day-to-day prison administrative 2 decisions"). Further, plaintiff asks for relief that is divorced from the claims in the complaint. 3 See *Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015) 4 ("When a plaintiff seeks injunctive relief based on claims not pled in the complaint, the court 5 does not have the authority to issue an injunction."). Plaintiff brings this action for violation of 6 his Fourteenth Amendment rights when defendants used excessive force against him. There is no 7 obvious connection between the use of excessive force and plaintiff's classification status. 8 Plaintiff has failed to meet the especially high burden necessary for an ex parte temporary 9 restraining order. See *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 10 2006) (noting that a temporary restraining order may issue ex parte only if it clearly appears that 11 immediate and irreparable harm will occur in its absence and emphasizing that "our entire 12 jurisprudence runs counter to the notion of court action taken before reasonable notice and an 13 opportunity to be heard has been granted to both sides of a dispute"). Accordingly, I recommend 14 that the motion be denied. 15 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge to this 16 action. 17 Further, it is RECOMMENDED that plaintiff's motion for preliminary injunctive relief, 18 ECF No. 17, be DENIED. 19 These findings and recommendations are submitted to the United States District Judge 20 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 21 service of these findings and recommendations, any party may file written objections with the 22 court and serve a copy on all parties. Any such document should be captioned "Objections to 23 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed 24 within fourteen days of service of the objections. The parties are advised that failure to file 25 objections within the specified time may waive the right to appeal the District

Court's order. See 26 Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 27 1991). 28 1 2 3 IT IS SO ORDERED. 4 (| { Dated: _ September 16, 2025 Q_—_—.

5 JEREMY D. PETERSON

6 UNITED STATES MAGISTRATE JUDGE

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