

**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-DAD-JDP (P) · Decided November 17, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL ALAN DEAN HILL, Case No. 2:25-cv-0748-DAD-JDP (P) 12
Plaintiff, 13 v. FINDINGS AND RECOMMENDATIONS 14 JONATHAN ESLICK, et al., 15
Defendants. 16 17 Plaintiff, a county inmate proceeding pro se, has filed a second motion seeking
injunctive 18 relief in the form of a court order that he be housed in a sanitary cell.

ECF No. 19. Plaintiff has 19 also filed a request to be transferred to the Sacramento County Jail,
which I will construe as a 20 request for injunctive relief. ECF No. 20. For the reasons described
below, I recommend that 21 both motions be denied. 22 “A preliminary injunction is ‘an
extraordinary and drastic remedy, one that should not be 23 granted unless the movant, by a clear
showing, carries the burden of persuasion.’” *Lopez v. 24 Brewer*, 680 F.3d 1068, 1072 (9th Cir.

2012) (quoting *Mazurek v. Armstrong*, 520 U.S. 968, 972 25 (1997) (per curiam)); see also *Winter*
v. Natural Res. Def. Council, Inc., 555 U.S. 7, 24 (2008) 26 (citation omitted) (“[a] preliminary
injunction is an extraordinary remedy never awarded as of 27 right”). Nonetheless, “federal courts
must not shrink from their obligation to enforce the 28 constitutional rights of all persons,
including prisoners,” and must not “allow constitutional 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 As I explained to plaintiff in my previous ruling on his motion for injunctive relief, he 20 must address the Winter factors. Plaintiff has again failed to do so, and the motions could be 21 denied for that reason alone. See *Winter*, 555 U.S. at 20. ("A plaintiff seeking a preliminary 22 injunction must establish that he is likely to succeed on the merits, that he is likely to suffer 23 irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, 24 and that an injunction is in the public interest.").

25 However, as with plaintiff's previous motion, I find that denial would be appropriate 26 irrespective of plaintiff's failure to address the Winter factors. In the first motion, plaintiff argues 27 that each cell he has been assigned to at the El Dorado County Jail has been unsanitary, and the 28 conditions have led to him contracting staph infections nine separate times.

ECF No. 19 at 1-2. 1 In the second motion, plaintiff contends that he cannot remain at the Jail because several 2 defendants work there and have retaliated against him. ECF No. 20 at 1. Plaintiff does not 3 explain how defendants have retaliated against him, but he states that he has a "very rational fear 4 something bad will happen to [him] while in the custody of the El Dorado County Jail." *Id.* at 2.

5 Plaintiff also asks that he be placed in witness protection because he is a federal witness. *Id.* at 1- 6 2. Finally, he asks that this court order his transfer to Sacramento County Jail. *Id.* at 1. 7 Plaintiff's complaint seeks relief arising from defendants' use of excessive force against 8 him. ECF No. 1. But here, plaintiff seeks relief premised on the condition of his cell and his 9 wish to be transferred between institutions.

Because plaintiff's requested relief is disconnected 10 from the claims in his complaint, plaintiff's motions should be denied. See *Pac. Radiation 11 Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015) ("When a plaintiff seeks 12 injunctive relief based on claims not pled in the complaint, the court does not have the authority 13 to issue an injunction.").

Further, as I explained previously, courts will not unreasonably interfere 14 with prison operations, which appears to be what plaintiff seeks. See *Turner v. Safley*, 482 U.S. 15 78, 884-85 (1987); *Bell v. Wolfish*, 441 U.S. 520, 562 (1979) (admonishing federal courts to avoid 16

“becom[ing] increasingly enmeshed in the minutiae of prison operations”); *Wylie v. Montana 17 Women’s Prison*, 2014 WL 6685983, at *3 (D.

Mont. Nov. 25, 2014) (denying preliminary 18 injunction and declining to “interfere with day-to-day prison administrative decisions”). 19 Similar to his previous motion, plaintiff has failed to meet the especially high burden 20 necessary for an ex parte temporary restraining order. See *Reno Air Racing Ass’n, Inc. v. 21 McCord*, 452 F.3d 1126, 1131 (9th Cir.

2006) (noting that a temporary restraining order may 22 issue ex parte only if it clearly appears that immediate and irreparable harm will occur in its 23 absence and emphasizing that “our entire jurisprudence runs counter to the notion of court action 24 taken before reasonable notice and an opportunity to be heard has been granted to both sides of a 25 dispute”).

Accordingly, I recommend that the motions be denied. 26 Accordingly, it is RECOMMENDED that plaintiff’s motions for preliminary injunctive 27 relief, ECF Nos. 19 & 20, be DENIED. 28 These findings and recommendations are submitted to the United States District Judge 1 | assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of 2 | service of these findings and recommendations, any party may file written objections with the 3 | court and serve a copy on all parties.

Any such document should be captioned “Objections to 4 | Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed 5 | within fourteen days of service of the objections. The parties are advised that failure to file 6 | objections within the specified time may waive the right to appeal the District Court’s order. See 7 | *Turner vy.*

Duncan, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Yist*, 951 F.2d 1153 (9th Cir. 8 | 1991). 9
10 IT IS SO ORDERED. Dated: _ November 14, 2025 q——_ 12 JEREMY D. PETERSON 3
UNITED STATES MAGISTRATE JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28