

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

JOHNNY BURGESS

Plaintiff,

v.

Case No: 5:17-cv-131-Oc-39PRL

FNU ROUSE and JONATHAN JORGE,

Defendants.

ORDER

1. Defendants' unopposed Motion to File a Reply (Doc. 109) is **GRANTED**. Defendants shall submit their reply to Plaintiff's response to their motion for summary judgment no later than **April 12, 2019**.

2. Plaintiff's Motion for Temporary Restraining Order and Injunction (Doc. 111; Motion) is **DENIED**. Plaintiff is proceeding on a pro se civil rights complaint against two corrections officers for conduct that occurred at Lake Correctional Institution. In his Motion, Plaintiff seeks relief against individuals who are not named Defendants for conduct that occurred at his current place of incarceration, Santa Rosa Correctional Institution (SRCI). See Motion at 1-3. He asserts various officials at SRCI have retaliated against him for filing a civil rights complaint and for submitting grievances. Id. at 1-2. Rule 65 of the Federal Rules of Civil Procedure provides that a court may issue a preliminary injunction only on notice to the adverse party, and any order granting injunctive relief is binding only on the parties to the action. See Fed. R. Civ. P. (a)(1), (d)(2). Because Plaintiff seeks injunctive relief against individuals who are not named Defendants in this

action, he is not entitled to the relief he seeks. To the extent Plaintiff has suffered constitutional violations at SRCI, he may pursue a civil rights action by filing a new complaint in a new case.

3. In an abundance of caution, given Plaintiff's allegations of threats of physical harm, the Court directs the **Clerk** to send a copy of Plaintiff's Motion (Doc. 111) and this Order to the Warden of SRCI for any investigation or action that may be warranted. The Clerk shall confirm that such notification was received and make an entry on the docket reflecting that such notification was sent to the appropriate official.

DONE AND ORDERED at Jacksonville, Florida, this 27th day of March, 2019.

A handwritten signature in black ink, reading "Brian J. Davis", is written over a horizontal line.

BRIAN J. DAVIS
United States District Judge

Jax-6
c:
Johnny Burgess
Counsel of Record