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

Before the Court is Plaintiff's Motion for Temporary Restraining Order and Injunction (Doc. 114; Motion). In his Motion, Plaintiff asserts Sergeant Williams and Lieutenant Dice have threatened him and other inmates assigned to F-dormitory in retaliation for filing grievances and complaints. See Motion at 2. Plaintiff also states that Williams and Dice told him "they are going to set [him] up by . . . act[ing] as if plaintiff attempted to commit suicide" so they can enter his cell to beat him, or they will arrange to have an inmate with a gang affiliation "do the dirty work for them." Id. at 3. They also threatened to have Plaintiff placed on suicide watch so they can remove his belongings, including his litigation documents. Id.[1] As relief, Plaintiff seeks an order enjoining Williams and Dice from hindering or curtailing his litigation efforts. Id. at 1.

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

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[1] Given the nature of Plaintiff's allegations, the Court sent a standing order to the Warden of Santa Rosa Correctional Institution, along with a copy of Plaintiff's Motion, for any action that may be warranted. See Order on Emergency Motion (Doc. 115).

injunctive relief is binding only on the parties to the action. See Fed. R. Civ. P. (a)(1), (d)(2). 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). Because Plaintiff seeks injunctive relief against individuals who are not named Defendants in this action, he is not entitled to the relief he seeks.

Accordingly, Plaintiff's Motion is **DENIED**. 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.

DONE AND ORDERED at Jacksonville, Florida, this 2nd day of April, 2019.



BRIAN J. DAVIS
United States District Judge

Jax-6
c:
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Counsel of Record