

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 13 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TIMOTHY DEANORE WILKINS,

No. 20-55061

Plaintiff-Appellant,

D.C. No. 2:18-cv-09116-VAP-E

v.

MEMORANDUM*

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Central District of California
Virginia A. Phillips, District Judge, Presiding

Submitted May 6, 2020**

Before: BERZON, N.R. SMITH and MILLER, Circuit Judges.

California state prisoner Timothy Deanore Wilkins appeals pro se from the district court's interlocutory order denying his motion for a preliminary injunction and temporary restraining order in his 42 U.S.C. § 1983 action alleging

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

constitutional claims relating to his inmate work assignment. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We review for an abuse of discretion a district court's denial of a motion for a preliminary injunction. *Puente Ariz. v. Arpaio*, 821 F.3d 1098, 1103 (9th Cir. 2016). We may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

Denial of Wilkins's motion for a preliminary injunction was not an abuse of discretion because the district court lacked the authority to grant Wilkins's requested relief as it was not tied to the claims and parties in the complaint. *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 636-37 (9th Cir. 2015) (holding that the district court lacks authority to grant injunctive relief absent a "sufficient nexus between the claims raised in a motion for injunctive relief and the claims set forth in the underlying complaint"); *Zepeda v. U.S. Immigration Serv.*, 753 F.2d 719, 727 (9th Cir. 1985) (explaining that the scope of an injunction is limited to the parties in the action).

Cox and Roth's motion to dismiss California Department of Corrections and Rehabilitation ("CDCR") as an appellee and amend the caption (Docket Entry No. 13) is denied.

AFFIRMED.