

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

CURT A. RIVARD, JR.,	:	
Plaintiff,	:	
	:	
v.	:	PRISONER
	:	Case No. 3:09-cv-2075 (AWT)
	:	
ORLANDO PEREZ, et al.,	:	
Defendants.	:	

RULING ON MOTION FOR RESTRAINING ORDER

The plaintiff has filed a motion for restraining order asking the court to order the Department of Correction to refrain from taking and discarding his legal work.

The defendants in this case are state judicial marshals. No correctional official is named as a defendant. Thus, the court has no authority to order that correctional staff take, or refrain from taking, any action. See Doctor's Assocs., Inc. Reinert & Duree, P.C., 191 F.3d 297, 302 (2d Cir. 1999); 11A Charles A. Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 2956, at 335 (2d ed. 2001) ("A court ordinarily does not have power to issue an order against a person who is not a party and over whom it has not acquired in personam jurisdiction.")

The court has, however, asked the Office of the Attorney General, Division of Public Safety to investigate the plaintiff's claims. The court has been assured that correctional staff have indicated that the plaintiff's legal materials have not been

taken and discarded.

The plaintiff's motion [**doc. #7**] is hereby **DENIED**.

It is so ordered.

Dated this 11th day of May 2010, at Hartford, Connecticut.

/s/AWT
Alvin W. Thompson
United States District Judge