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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EUGENE HAMILTON,

1:08-cv-01967-OWW-GSA-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF’S
MOTION FOR PRELIMINARY INJUNCTIVE
RELIEF BE DENIED
(Doc. 10.)

v.

LARA, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE IN 30 DAYS

I. RELEVANT PROCEDURAL HISTORY

Eugene Hamilton (“Plaintiff”) is a state prisoner in the custody of the California Department of Corrections and Rehabilitation, proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the original complaint commencing this action on December 29, 2008. (Doc. 1.) On April 30, 2010, Plaintiff filed an “Emergency” Motion for Injunction. (Doc. 10.)

II. PRELIMINARY INJUNCTION

“A preliminary injunction is an extraordinary remedy never awarded as of right.” Winter v. Natural Resources Defense Council, Inc., 129 S.Ct. 365, 376 (2008) (citation omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Id. at 374 (citations omitted). An injunction may only be awarded upon a *clear showing* that the plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

1 Federal courts are courts of limited jurisdiction and in considering a request for preliminary
2 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before
3 it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660,
4 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.,
5 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or
6 controversy before it, it has no power to hear the matter in question. Id. Requests for prospective
7 relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which
8 requires that the Court find the “relief[sought] is narrowly drawn, extends no further than necessary
9 to correct the violation of the Federal right, and is the least intrusive means necessary to correct the
10 violation of the Federal right.”

11 The events at issue in this action occurred in 2007 and 2008 while Plaintiff was housed at
12 Corcoran State Prison (“CSP”) in Corcoran, California. (Doc. 1.) Plaintiff is now housed at Salinas
13 Valley State Prison (“SVSP”) in Soledad, California, and Plaintiff seeks an order transferring him
14 from SVSP to another facility. The case or controversy requirement cannot be met in light of the
15 fact that the issue Plaintiff seeks to remedy in his motion bears no relation, jurisdictionally, to the
16 past events at CSP giving rise to this suit. Lyons, 461 U.S. at 102; 18 U.S.C. § 3626(a)(1)(A); also
17 Summers v. Earth Island Inst., 129 S.Ct. 1142, 1148-49 (2009); Steel Co. v. Citizens for a Better
18 Env’t, 523 U.S. 83, 102-04, 118 S.Ct. 1003 (1998). Because the case-or-controversy requirement
19 cannot be met, the pendency of *this* action provides no basis upon which to award Plaintiff injunctive
20 relief. Id. The only relief available to Plaintiff in this action, should he prevail, is money damages
21 for the past violation of his constitutional rights while housed at CSP.

22 **III. RECOMMENDATION**

23 Based on the foregoing, the court HEREBY RECOMMENDS that plaintiff’s motion for
24 preliminary injunctive relief, filed April 30, 2010, be DENIED on the ground that the court lacks
25 jurisdiction in this action to issue the order sought.

26 These Findings and Recommendations will be submitted to the United States District Judge
27 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30)**
28 **days** after being served with these Findings and Recommendations, plaintiff may file written

1 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
2 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d
4 1153 (9th Cir. 1991).

5
6 IT IS SO ORDERED.

7 **Dated: June 11, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE