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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSE DUPREE, JR.,

CASE NO. 1:11-cv-01233-AWI-SMS PC

Plaintiff,

ORDER ADDRESSING PLAINTIFF’S  
OBJECTION TO THE FINDINGS AND  
RECOMMENDATIONS AND LETTER

v.

MISTY MILLS, et al.,

(ECF Nos. 20, 23)

Defendants.

After findings and recommendations issued recommending dismissing this action for failure to state a claim on August 2, 2011, Plaintiff filed a consent to Magistrate Jurisdiction . Accordingly this action was assigned to the Magistrate Judge, the findings and recommendations were vacated and the action was dismissed on August 10, 2011. Currently before the Court are Plaintiff’s objections to the findings and recommendations and a letter requesting injunctive relief.

Plaintiff’s objections to the findings and recommendations merely set forth further allegations that private individuals have violated his civil rights. As Plaintiff was advised in the order dismissing his action, “[t]he United States Constitution protects individual rights only from *government* action, not from *private* action.” Single Moms, Inc. v. Montana Power Co., 331 F.3d 743, 746 (9th Cir. 2003) (emphasis in original). “Only when the *government* is responsible for a plaintiff’s complaints are individual constitutional rights implicated.” Single Moms, Inc., 331 F.3d at 746-47 (citing Brentwood Academy v. Tennessee Secondary School Athletic Assoc., 531 U.S. 288, 295, 121 S. Ct. 924, 930 (2001)) (emphasis in original).

Federal courts are courts of limited jurisdiction and the Court is bound by the requirement

1 that as a preliminary matter, it have before it an actual case or controversy. City of Los Angeles v.  
2 Lyons, 461 U.S. 95, 102 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of  
3 Church and State, Inc., 454 U.S. 464, 471 (1982). If the Court does not have an actual case or  
4 controversy before it, it has no power to hear the matter in question. Id. The case or controversy  
5 requirement cannot be met in light of the fact that this action has been dismissed for failure to state  
6 a claim. Because this case has been dismissed and closed, the case-or-controversy requirement is  
7 not met such that this action provides no basis upon which to award Plaintiff relief.

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10 IT IS SO ORDERED.

11 **Dated:** August 11, 2011

/s/ Sandra M. Snyder  
UNITED STATES MAGISTRATE JUDGE