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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BENNIE MATHIS,

Plaintiff,

v.

J. CHOKATOS, M.D., et al.,

Defendants.

CASE NO. 1:12-cv-00329-LJO-MJS PC

FINDINGS AND RECOMMENDATIONS  
FOR DENIAL OF MOTION FOR A  
PRELIMINARY INJUNCTION

(ECF No. 15)

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

Plaintiff Bennie Mathis (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 29, 2012. On October 15, 2012, Plaintiff filed a motion seeking a preliminary injunction requiring prison officials to provide him with certain accommodations for his disabilities.

As a threshold matter, Plaintiff must establish that he has standing to seek preliminary injunctive relief. Summers v. Earth Island Institute, 555 U.S. 488, 493 (2009) (citation omitted); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010) (citation omitted). Plaintiff “must show that he is under threat of suffering an ‘injury in fact’ that is concrete and particularized; the threat must be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to challenged conduct of the defendant; and it must be likely that a favorable judicial decision will prevent or redress the injury.” Summers, 55 U.S. at 493 (citation omitted); Mayfield, 599 F.3d at 969.

The medical care claims set forth in Plaintiff’s Second Amended Complaint arise

1 from events which occurred at Pleasant Valley State Prison in 2011. Plaintiff is no longer  
2 incarcerated at Pleasant Valley State Prison. Injunctive relief directed toward that facility  
3 would have no effect on Plaintiff. Plaintiff's claims arise from long-past events. He has no  
4 claim pending relating to his current conditions of confinement at San Quentin State Prison  
5 in San Quentin, California. Plaintiff does not identify an ongoing threat of harm to him at  
6 either facility.

7 Accordingly, the Court hereby RECOMMENDS that Plaintiff's motion for a  
8 preliminary injunction (ECF No. 15.) be DENIED.

9 These Findings and Recommendations are submitted to the United States District  
10 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
11 Within fourteen (14) days after being served with these Findings and Recommendations,  
12 any party may file written objections with the Court and serve a copy on all parties. Such  
13 a document should be captioned "Objections to Magistrate Judge's Findings and  
14 Recommendations." Any reply to the objections shall be served and filed within ten days  
15 after service of the objections. The parties are advised that failure to file objections within  
16 the specified time may waive the right to appeal the District Court's order. Martinez v. Y1  
17 st, 951 F.2d 1153 (9th Cir. 1991).

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21 IT IS SO ORDERED.

22 Dated: December 27, 2012

/s/ Michael J. Seng  
23 UNITED STATES MAGISTRATE JUDGE  
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