

1 favor, and that an injunction is in the public interest.” Winter v. Natural Resources Defense Council,
2 Inc., 555 U.S. 7, 20 (2008).

3 “[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be
4 granted unless the movant, *by a clear showing*, carries the burden of persuasion.” Mazurek v.
5 Armstrong, 520 U.S. 968, 972 (1997) (quotations and citations omitted) (emphasis in original). A
6 party seeking a temporary restraining order or preliminary injunction simply cannot prevail when that
7 motion is unsupported by evidence.

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

17 In this case, Plaintiff seeks a court order directing prison officials to return his legal property to
18 him; however, the Defendants have filed a motion to dismiss the complaint and the undersigned issued
19 Findings and Recommendations to grant Defendants’ motion on December 7, 2015, with leave to
20 amend as to his claim for deliberate indifference to a serious medical need.¹

21 The pendency of this case does not provide Plaintiff with standing to seek relief directed at
22 remedying his current conditions of confinement, which are occurring at a different prison and which
23 involve different prison employees. Summers v. Earth Island Institute, 555 U.S. 488, 493 (2009)
24 (citation omitted); Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992); Mayfield v. United
25 States, 599 F.3d 964, 969 (9th Cir. 2010). Plaintiff is not entitled to any relief that is not narrowly
26 drawn to correct the violation of his rights at issue in this action. The constitutional and statutory
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28 ¹ The Findings and Recommendations have not yet been addressed by the assigned District Judge.

1 requirements applicable to equitable relief preclude Plaintiff from entitlement to generalized relief
2 such an order directing that prison officials allow Plaintiff to receive his legal property. The equitable
3 relief requested herein is not sufficiently related to Plaintiff’s underlying legal claims to satisfy the
4 jurisdictional requirements that apply to federal courts. Additionally, in the Court’s experience, some
5 disruption with property access occurs following a transfer between prisons, and absent the existence
6 of exceptional circumstances not present here, the Court will not intervene in the day-to-day
7 management of prisons. See e.g., Overton v. Bazzetta, 539 U.S. 126, 132 (2003) (prison officials
8 entitled to substantial deference); Sandin v. Conner, 515 U.S. 472, 482-83 (1995) (disapproving the
9 involvement of federal courts in the day-to-day-management of prisons). Moreover, Plaintiff may not
10 seek injunctive relief against an individual who is not a party to the instant action. “A federal court
11 may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction
12 over the claim; *it may not attempt to determine the rights of persons not before the court.*” Zepeda v.
13 United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Accordingly,
14 Plaintiff’s request for injunctive relief must be denied.

15 **II.**

16 **RECOMMENDATION**

17 Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff’s motion for
18 injunctive relief be DENIED.

19 This Findings and Recommendation will be submitted to the United States District Judge
20 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30) days**
21 after being served with this Findings and Recommendation, the parties may file written objections
22 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
23 Recommendation.” The parties are advised that failure to file objections within the specified time may

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result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: December 20, 2016


UNITED STATES MAGISTRATE JUDGE