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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

AURELIO M. SEPULVEDA,  
Plaintiff,

v.

JEANNE WOODFORD, et al.,  
Defendants.

CASE NO. 1:05-CV-01143-AWI-DLB PC

FINDINGS AND RECOMMENDATION  
RECOMMENDING PLAINTIFF’S MOTION  
FOR PRELIMINARY INJUNCTION BE  
DENIED

(DOC. 47)

OBJECTIONS DUE WITHIN TWENTY-ONE  
DAYS

**Findings And Recommendation**

Plaintiff Aurelio M. Sepulveda (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding against Defendant Shu-Pin Wu for retaliation and violation of the Eighth Amendment. Pending before the Court is Plaintiff’s motion for preliminary injunction, filed February 16, 2011. Doc. 47.

“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.” *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365, 374 (2008) (citations omitted). The purpose of preliminary injunctive relief is to preserve the status quo or to prevent irreparable injury pending the resolution of the underlying claim. *Sierra On-line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984).

1 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court  
2 must have before it an actual case or controversy. *City of Los Angeles v. Lyons*, 461 U.S. 95, 102  
3 (1983); *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*,  
4 454 U.S. 464, 471, 102 S. Ct. 752, 757-58 (1982). If the court does not have an actual case or  
5 controversy before it, it has no power to hear the matter in question. *Lyons*, 461 U.S. at 102.  
6 Thus, “[a] federal court may issue an injunction [only] if it has personal jurisdiction over the  
7 parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights  
8 of persons not before the court.” *Zepeda v. United States Immigration Serv.*, 753 F.2d 719, 727  
9 (9th Cir. 1985).

10 Plaintiff complains of actions occurring at Ironwood State Prison, where Plaintiff is  
11 currently incarcerated. However, Plaintiff’s second amended complaint is proceeding against  
12 Defendant Wu for actions that occurred at Corcoran State Prison. The Court has no jurisdiction  
13 over any prison officials at Ironwood State Prison in this action. *Zepeda*, 753 F.2d at 727.

14 Accordingly, it is HEREBY RECOMMENDED that Plaintiff’s motion for preliminary  
15 injunction, filed February 16, 2011, should be DENIED.

16 These Findings and Recommendations will be submitted to the United States District  
17 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **twenty-**  
18 **one (21) days** after being served with these Findings and Recommendations, the parties may file  
19 written objections with the Court. The document should be captioned “Objections to Magistrate  
20 Judge’s Findings and Recommendations.” The parties are advised that failure to file objections  
21 within the specified time may waive the right to appeal the District Court’s order. *Martinez v.*  
22 *Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

23 IT IS SO ORDERED.

24 Dated: February 18, 2011

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE