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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD ROBERTS,

Plaintiff,

v.

CORRECTIONAL OFFICER
SALANO,

Defendant.

CASE NO. 1:08-cv-00162-LJO-GSA PC

ORDER DENYING MOTION FOR COURT
ORDER MANDATING RETURN OF
PROPERTY

(Doc. 39)

On August 4, 2009, Plaintiff James Edward Roberts, a state prisoner proceeding pro se and in forma pauperis in this civil rights action, filed a motion seeking an order mandating that prison officials at California State Prison-Lancaster provide Plaintiff with his property, including his legal work. As in the Court’s general practice, the motion is construed as one seeking preliminary injunctive relief.

This action is proceeding against Defendant Salano for violating Plaintiff’s right to privacy by disclosing Plaintiff’s medical condition while Plaintiff was incarcerated at California State Prison-Corcoran. The Court lacks jurisdiction to issue an order intended to remedy Plaintiff’s current conditions of confinement because such an order would not remedy the legal claim at issue in this action. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); Jones v. City of Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006). If Plaintiff needs an extension of time to comply with a deadline, he may contact the Court, and it

1 will address the request and issue an appropriate order to facilitate Plaintiff's ability to comply with
2 the deadline.¹ However, the Court cannot issue an order generally mandating that Plaintiff be
3 provided with all of his property.

4 Accordingly, Plaintiff's motion, filed August 4, 2009, is HEREBY DENIED.

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6 IT IS SO ORDERED.

7 **Dated: November 9, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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¹ The Court issued a scheduling order on August 18, 2009, and at this time, there are no motions pending before the Court requiring a response from Plaintiff .