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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARCO DE PUENTE-HUDSON,	CASE NO. 1:08-cv-01228-OWW-GSA PC
Plaintiff,	ORDER DENYING MOTION FOR
	PRELIMINARY INJUNCTION
v.	(Doc. 9)
DERRAL G. ADAMS, et al.,	
Defendants.	

Plaintiff Marcos De Puente-Hudson (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Defendant Adams removed this action from Kings County Superior Court on August 19, 2008.

On December 4, 2008, Plaintiff filed a motion seeking the issuance of an order mandating that prison officials at Pleasant Valley State Prison relinquish his legal property and provide him with law library services. Pursuant to the Court’s standard practice, the motion is construed as one seeking a preliminary injunction.

Federal courts are courts of limited jurisdiction, and as a preliminary matter, the Court must have before it an actual case or controversy. 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 the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. Id. “A federal court may issue an injunction *if* it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may *not*

1 attempt to determine the rights of persons not before the court.” Zepeda v. United States
2 Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added).

3 In this instance, the events at issue in this action arose while Plaintiff was incarcerated at
4 California State Prison-Corcoran and his claims arise from the confiscation and destruction of his
5 subscription magazines. The Court does not jurisdiction in this action to issue the order sought, as
6 the case or controversy requirement cannot be met in light of the fact that the issues Plaintiff seeks
7 to remedy in his motion bear no relation to the past events at CSP-Corcoran giving rise to this suit.

8 Accordingly, Plaintiff’s motion for a preliminary injunction, filed December 4, 2008, is
9 **HEREBY DENIED.**

10
11 **IT IS SO ORDERED.**

12 **Dated: January 26, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE