

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICOLAS DAVID ANDREAS,

CASE NO. 1:08-cv-01410-LJO-SMS PC

Plaintiff,

ORDER DENYING MOTION FOR ISSUANCE
OF PRELIMINARY INJUNCTION

v.

(Doc. 17)

JAMES YATES, et al.,

Defendants.

Plaintiff Nicolas David Andreas is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On April 13, 2009, Plaintiff filed a motion seeking the issuance of a preliminary injunction prohibiting prison officials at Mule Creek State Prison from denying him access to the law library and retaliating against him.

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

///

1 Plaintiff's claims arise from an incident of alleged excessive force and denial of medical care
2 in June of 2007 at Pleasant Valley State Prison. The Court does not have jurisdiction in this action
3 to issue the order sought by Plaintiff, as the case or controversy requirement cannot be met in light
4 of the fact that the issues Plaintiff seeks to remedy in his motion bear no relation to the events giving
5 rise to his claims in this suit.

6 Therefore, Plaintiff's motion for the issuance of a preliminary injunction, filed April 13,
7 2009, is HEREBY DENIED.

8
9 IT IS SO ORDERED.

10 **Dated: July 29, 2009**

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