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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>WADE RAINEY,</b>	)	<b>1: 08-CV-1731 AWI GBC (PC)</b>
	)	
<b>Plaintiff,</b>	)	<b>ORDER ADOPTING FINDINGS AND RECOMMENDATIONS</b>
	)	
<b>v.</b>	)	<b>ORDER DENYING PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION</b>
	)	
<b>GUADALUPE M. GARCIA, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	<b>(Documents #26 &amp; #35)</b>

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Wade Rainey (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action against a prison official pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2010, the Magistrate Judge entered Findings and Recommendations, recommending that Plaintiff’s motion for a preliminary injunction be denied. The Findings and Recommendations gave notice that any objections were to be filed within thirty days. On September 2, 2010, Plaintiff filed objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the Findings and Recommendations are supported by the record and proper analysis.

1 As explained by the Magistrate Judge, a federal court is a court of limited jurisdiction and the  
2 court must have before it a case or controversy. Flast v. Cohen, 392 U.S. 83, 88 (1968). Absent  
3 such a case or controversy, the court has no power to hear the matter. Rivera v. Freeman, 469  
4 F.2d 1159, 1162-1163 (9<sup>th</sup> Cir. 1972). To prevail on a motion for preliminary injunctive relief,  
5 the moving party must establish a relationship between the injury claimed in the motion and the  
6 conduct giving rise to the complaint. See Omega World Travel. Inc. v. Trans World Airlines,  
7 111 F.3d 14, 16 (4<sup>th</sup> Cir.1997); Devose v. Herrington, 42 F.3d 470, 471 (8<sup>th</sup> Cir.1994) (per  
8 curiam); Wilson v. Baker, 2008 WL 2825275, \*1 (E.D.Cal. 2008); Williams v. Schwarzenegger,  
9 2008 WL 2557980, \*1 (E.D.Cal. 2008); Lebron v. Armstrong, 289 F. Supp. 2d 56, 61 (D. Conn.  
10 2003). “A district court should not issue an injunction when the injunction in question is not of  
11 the same character, and deals with a matter lying wholly outside the issues in the suit.”  
12 Kaimowitz v. Orlando, Fla., 122 F.3d 41, 43 (11<sup>th</sup> Cir. 1997). The complaint in this action  
13 concerns Defendants failure to provide Plaintiff with dental care. The pending motion concerns  
14 problems Plaintiff is having obtaining his legal materials. Because the complaint in this case  
15 does not contain allegations raising issues similar to those presented in the instant motion, there  
16 is no controversy present with respect to such issues and, as a result, the court cannot address  
17 either the likelihood of success on the merits or whether there are serious questions going to the  
18 merits of plaintiff’s claims. Therefore, the motion must be denied.

19 Accordingly, it is HEREBY ORDERED that:

- 20 1. The Findings and Recommendations entered on July 30, 2010 are
- 21 ADOPTED in full; and
- 22 2. Plaintiff’s motion for a preliminary injunction is DENIED.

23 IT IS SO ORDERED.

24 Dated: September 27, 2010

25   
26 CHIEF UNITED STATES DISTRICT JUDGE