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

BARRY LOUIS LAMON,  
Plaintiff,  
v.  
ADAMS, et al.,  
Defendants.

Case No.: 1:09-cv-00205-LJO-JLT (PC)

**FINDINGS AND RECOMMENDATIONS TO  
DENY PLAINTIFF'S MOTION REQUESTING  
ACCESS TO CASE FILES AND LEGAL  
MATERIALS FOR LACK OF JURISDICTION**

(Doc. 287)

**30-DAY DEADLINE**

Barry Louis Lamon, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. In his complaint, Plaintiff alleges Defendants used excessive force when they forced him to take his medication. On September 21, 2015, Plaintiff filed a motion seeking assistance from the Court to gain access to his case files and materials. (Doc. 287.) This motion is construed as a motion seeking injunctive relief.

Federal courts are courts of limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it 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 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. *Id.* Requests for prospective relief are further limited by 18 U.S.C. §

1 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find the “relief  
2 [sought] is narrowly drawn, extends no further than necessary to correct the violation of the Federal  
3 right, and is the least intrusive means necessary to correct the violation of the Federal right.”

4       Regardless, the pendency of this action does not give the Court jurisdiction over prison  
5 officials in general or over Plaintiff’s mail issues. *Summers v. Earth Island Institute*, 555 U.S. 488,  
6 492-93 (2009); *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010). The Court’s jurisdiction  
7 is limited to the parties in this action and to the cognizable legal claims upon which this action is  
8 proceeding. *Summers*, 129 S.Ct. at 1148-49; *Mayfield*, 599 F.3d at 969.

9       Plaintiff does not seek the temporary restraining order and/or preliminary injunction against  
10 any of the Defendants who remain in this action. “A federal court may issue an injunction if it has  
11 personal jurisdiction over the parties and subject matter jurisdiction over the claim; *it may not attempt*  
12 *to determine the rights of persons not before the court.*” *Zepeda v. United States Immigration Service*,  
13 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Thus, Plaintiff’s motion must be denied for lack  
14 of jurisdiction over “Correctional Officer Personnel at California State Prison in Tehachapi, County of  
15 Kern, California.” (See Doc. 287.)

16       This action cannot provide redress for the difficulties Plaintiff is having accessing his case files  
17 and materials. The issue is not that Plaintiff’s allegations are not serious, or that Plaintiff is not entitled  
18 to relief if sought in the proper forum. The seriousness of Plaintiff’s accusations concerning his  
19 inability to access his case files and materials cannot and do not overcome what is a *jurisdictional* bar.  
20 *Steel Co.*, 523 U.S. at 103-04 (“[The] triad of injury in fact, causation, and redressability constitutes  
21 the core of Article III’s case-or-controversy requirement, and the party invoking federal jurisdiction  
22 bears the burden of establishing its existence.”) This action is simply not the proper vehicle for  
23 conveyance of the relief Plaintiff seeks.

24       Accordingly, it is **HEREBY RECOMMENDED** that Plaintiff’s motion to assist him in  
25 accessing his case files and materials, filed September 21, 2015 (Doc. 287), be denied.

26       These Findings and Recommendations will be submitted to the United States District Judge  
27 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 30 days** after  
28 being served with these Findings and Recommendations, the parties may file written objections with

1 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
2 Recommendations.” The parties are advised that failure to file objections within the specified time  
3 may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)  
4 (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

5  
6 IT IS SO ORDERED.

7 Dated: October 6, 2015

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE