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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRANCISCO GIL,

Plaintiff,

v.

YATES, et al.,

Defendants.

CASE NO. 1:09-cv-00917-SMS PC

ORDER DENYING PLAINTIFF’S MOTIONS
FOR PRELIMINARY INJUNCTION

(Docs. 8 and 9)

Plaintiff, Francisco J. Gil, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 26, 2009. On December 7, 2009, Plaintiff filed his First Amended Complaint.

On April 19, 2010, Plaintiff filed two motions for preliminary injunction. In the first motion, Plaintiff seeks injunctive relief to address a loss of credit due based on his violation of prison rules. (Doc. 8.) In the second motion, Plaintiff seeks injunctive relief in the form of an order from this court directing prison personnel to provide inmates the right to appeal prisoner grievances without any “illegal twist, delays, losses, dissuasion, confusion, and any and all unprofessional, illegal, due process and access to court and other . . . and medical.” (Doc. 9, ellipses in the original.)

Plaintiff’s First Amended Complaint has not yet been, but will be screened in due course. Thus, at this stage, the Court has not yet verified whether Plaintiff will be able to state any claim upon which relief may be granted, such that there is no actual case or controversy before the Court at this time, and Court lacks the jurisdiction to issue the orders sought by Plaintiff. Summers v. Earth Island Institute, 129 S.Ct. 1142, 1149 (2009); Stormans, Inc. v. Selecky, 586 F.3d 1109, 1119

1 (9th Cir. 2009); 18 U.S.C. § 3626(a)(1)(A). Further, assuming that Plaintiff is able to amend to state
2 a claim, the pendency of this action will not entitle Plaintiff to the issuance of a preliminary
3 injunction aimed at securing his ability to litigate effectively or efficiently. Id. The Court's
4 jurisdiction will be limited to the issuance of orders that remedy the underlying legal claim. Id.

5 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motions for preliminary
6 injunction, filed on April 19, 2010, (Docs. 8 and 9), are DENIED.

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10 IT IS SO ORDERED.

11 **Dated: May 26, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE