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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH ALAN SIERRA,	CASE NO. 1:09-cv-01514-LJO-GSA PC
Plaintiff,	ORDER STRIKING NOTICE
v.	AND DENYING MOTION
	(Docs. 11 and 12)
MCGUINESS, et al.,	
Defendants.	

Plaintiff Kenneth Alan Sierra, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on August 27, 2009. On February 2, 2010, Plaintiff's complaint was dismissed, with leave to amend, for failure to state any claims, and Plaintiff's motions for preliminary injunctive relief were denied for lack of jurisdiction. Despite having been provided with the applicable legal standard and clear information regarding the jurisdictional requirement for obtaining preliminary injunctive relief in this action, on February 17, 2020, Plaintiff filed a notice of obstruction of library services and a motion seeking an order requiring law library staff to provide Plaintiff with library service at his cell and deliver legal material to him.

In light of Plaintiff's failure to state any claim upon which relief may be granted, 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 (9th Cir. 2009); 18 U.S.C. § 3626(a)(1)(A). Further, assuming that Plaintiff is able to amend to state a claim for violation of the Eighth Amendment

1 arising from inadequate medical care, the pendency of this action will not entitle Plaintiff to the
2 issuance of a preliminary injunction aimed at securing his ability to litigate effectively or efficiently.

3 Id. The Court's jurisdiction will be limited to the issuance of orders that remedy the underlying legal
4 claim. Id.

5 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's notice, filed on February
6 17, 2010, is STRICKEN, and Plaintiff's motion, filed on February 17, 2010, is DENIED.

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8 IT IS SO ORDERED.

9 **Dated: February 18, 2010**

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