

1 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in
2 the public interest.” Id. at 374 (citations omitted). An injunction may only be awarded upon
3 a *clear showing* that the plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis
4 added).

5 Federal courts are courts of limited jurisdiction and in considering a request for
6 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary
7 matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461
8 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for
9 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982).

10 If the Court does not have an actual case or controversy before it, it has no power to hear
11 the matter in question. Id. “[The] triad of injury in fact, causation, and redressability
12 constitutes the core of Article III’s case-or-controversy requirement, and the party invoking
13 federal jurisdiction bears the burden of establishing its existence.” Steel Co. v. Citizens for
14 a Better Env’t, 523 U.S. 83, 103-04, 118 S.Ct. 1003 (1998). Requests for prospective relief
15 are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which
16 requires that the Court find the “relief [sought] is narrowly drawn, extends no further than
17 necessary to correct the violation of the Federal right, and is the least intrusive means
18 necessary to correct the violation of the Federal right.”

19 At this stage in the proceedings, Plaintiff has not stated any claims for relief which
20 are cognizable under federal law. The Court dismissed Plaintiff’s original Complaint and
21 no amended complaint has been filed. As a result, the Court has no jurisdiction to award
22 any preliminary injunctive relief.

23 Accordingly, Plaintiff’s Motion for Court Order to Release Property is DENIED. If the
24 absence of Plaintiff’s legal material makes it difficult or impossible for Plaintiff to file his
25 amended complaint (which was due on June 30, 2010), Plaintiff is free to request
26 additional time to file that amended pleadng.

27 IT IS SO ORDERED.

28 Dated: August 11, 2010

Isl. Michael J. Seng

UNITED STATES MAGISTRATE JUDGE

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