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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM NIBLE,

Plaintiff,

v.

HARRINGTON, et al.,

Defendants.

CASE NO. 1:09-cv-01993-SMS PC

ORDER DENYING PLAINTIFF’S MOTION
FOR TEMPORARY RESTRAINING ORDER

(Doc. 9)

Plaintiff, William Nible, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 13, 2009.

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

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1 Based on the foregoing, it is HEREBY ORDERED that Plaintiff's motion for temporary
2 restraining order, filed on May 25, 2010, is DENIED.

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6 IT IS SO ORDERED.

7 **Dated: May 27, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE