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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA

6 VICENTE GARCIA,

7 Plaintiff,

8 v.

9 A. JOAQUIN, et al.,

10 Defendants.

CASE NO. 1:10-cv-730-AWI-MJS (PC)

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING THAT PLAINTIFF'S  
MOTION FOR LIBRARY ACCESS BE  
DENIED

(ECF No. 14)

11 OBJECTIONS DUE IN THIRTY DAYS  
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13 Plaintiff Vicente Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma  
14 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 2, 2010,  
15 Plaintiff filed a document asking the Court to order the prison library staff to grant him  
16 access to the law library for two hours a day, five days a week for the next sixty days.  
17 (ECF No. 14.) The Court construes this as a motion for injunctive relief.

18 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the  
19 Court must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461  
20 U.S. 95, 102 (1983); Jones v. City of Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006).  
21 If the Court does not have an actual case or controversy before it, it has no power to hear  
22 the matter in question. Id.

23 Plaintiff's complaint in this action alleges that Defendants' treatment of (or failure to  
24 treat) his diabetes violates his constitutional rights. (ECF No. 1.) Thus, for jurisdictional  
25 purposes, the pending controversy involves Plaintiff's medical treatment claim is. Because  
26 any order granting Plaintiff law library access would not remedy his medical claims, the  
27 Court lacks jurisdiction to issue the order sought by Plaintiff.

28 Accordingly, the Court RECOMMENDS that Plaintiff's request for access to the law

1 library be DENIED.

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3 These Findings and Recommendations are submitted to the United States District  
4 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
5 Within **thirty (30) days** after being served with these findings and recommendations, the  
6 Plaintiff may file written objections with the Court. Any such document should be captioned  
7 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised  
8 that failure to file objections within the specified time may waive the right to appeal the  
9 District Court's order. Martinez v. Y1st, 951 F.2d 1153 (9th Cir. 1991).

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11 IT IS SO ORDERED.

12 Dated: October 7, 2010

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE