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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
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10 RICHARD JACKSON,

CASE NO. 1:10-cv-01129-SKO PC

11 Plaintiff,

ORDER DENYING MOTION FOR
RECONSIDERATION, WITH PREJUDICE12 v.
13 MIKE PALOMBO, et al.,

(Doc. 71)

14 Defendants.
15 /16 Plaintiff Richard Jackson, a state prisoner proceeding pro se and in forma pauperis, filed this
17 civil rights action pursuant to 42 U.S.C. § 1983 on June 23, 2010. On June 28, 2012, Plaintiff filed
18 a motion seeking a preliminary injunction. Plaintiff did not request any specific relief but he set
19 forth assertions regarding his current conditions of confinement at Kern Valley State Prison. The
Court denied the motion on October 11, 2012, stating20 Plaintiff previously brought similar issues before the Court, and he was informed that
21 the Court's jurisdiction is limited to the parties before it in this action and to
22 Plaintiff's claim for damages arising from an incident of alleged excessive force on
23 July 9, 2009. See e.g., Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 103-04,
24 118 S.Ct. 1003 (1998) ("[The] triad of injury in fact, causation, and redressability
25 constitutes the core of Article III's case-or-controversy requirement, and the party
invoking federal jurisdiction bears the burden of establishing its existence.") (citation
omitted); American Civil Liberties Union of Nevada v. Masto, 670 F.3d 1046, 1061-
62 (9th Cir. 2012) ("[F]ederal courts may adjudicate only actual, ongoing cases or
controversies.") (internal quotation marks and citation omitted). Once again,
Plaintiff's filing is essentially an informational notice of events or incidences and it
does not request any specific relief to which Plaintiff might arguably be entitled to
in this action.27 The Court recognizes that Plaintiff is, very generally, asserting he has some safety
28 concerns, but the pendency of this action provides no basis upon which the Court
may issue any orders directed at remedying Plaintiff's current conditions of

1 confinement. To the extent that Plaintiff is concerned about actions by correctional
2 officers at Kern Valley State Prison, he should raise those concerns with the
3 appropriate staff members at the prison, which might include his correctional
4 counselor or an appeals coordinator. Plaintiff is also not precluded from taking legal
5 action, but whatever action might be appropriate, it *cannot* be sought in *this* action.

6 (Doc. 64, 1:21-2:12.)

7 On November 14, 2012, Plaintiff filed a motion for reconsideration on the ground that his
8 mail is being tampered with and when he brought it to the attention of his counselor, he was met with
9 “a mean attitude.” (Doc. 71, p.1.) In addition, Plaintiff’s inmate appeal was screened out.

10 Plaintiff is no longer housed at Kern Valley State Prison, but regardless, the Court does now
11 nor did it then have the jurisdiction to issue any orders to prison officials at Kern Valley State Prison
12 regarding mail tampering or any other condition of confinement. Steel Co., 523 U.S. 83 at 103-04.
13 This action is limited to damages arising out of the past conduct of Defendants. Issues relating to
14 the inmate appeal process, mail tampering, or any other current condition of confinement do not
15 provide any basis for the issuance of a preliminary injunction. That jurisdictional deficiency was
16 fatal to Plaintiff’s motion, and there are no grounds present which entitle Plaintiff to reconsideration.
17 Fed. R. Civ. P. 60(b)(6); Local Rule 230(j).

18 Based on the foregoing, Plaintiff’s motion for reconsideration, filed on November 14, 2012,
19 is HEREBY DENIED, with prejudice.

20
21 IT IS SO ORDERED.

22 Dated: December 21, 2012

23 /s/ Sheila K. Oberto
24 UNITED STATES MAGISTRATE JUDGE