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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAYMOND VILLA,  
Plaintiff,  
v.  
P.L. VASQUEZ, et al.,  
Defendants.

CASE No. 1:10-cv-01148-AWI-MJS  
FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DENIAL OF MOTION  
FOR PRELIMINARY INJUNCTIVE RELIEF  
ORDER GRANTING MOTION FOR  
EXTENSION OF TIME  
(ECF No. 53)  
OBJECTIONS DUE WITHIN THIRTY (30)  
DAYS

Plaintiff Raymond Villa is a former state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 17, 2014, Plaintiff filed a motion for an extension of time to respond to Defendants' pending summary judgment motion. (ECF No. 53.) Plaintiff's motion also requests preliminary injunctive relief. Plaintiff asks the Court to order Fresno County Jail officials to grant Plaintiff access to a law library. (Id.)

**I. EXTENSION OF TIME**

Plaintiff has been confined in the Fresno County Jail, and the Defendants' Motion for Summary Judgment (ECF No. 52), filed May 30, 2014, was only recently forwarded to him. Plaintiff requests an extension of time to secure his legal materials and prepare

1 an appropriate response. Good cause having been presented to the Court, Plaintiff will  
2 be granted thirty (30) days from the date of service of this order in which to respond to  
3 the pending motion for summary judgment.

## 4 **II. PRELIMINARY INJUNCTION**

5 Plaintiff seeks injunctive relief in the form of a court order requiring county jail  
6 officials to give Plaintiff access to a law library.

7 “A preliminary injunction is an extraordinary remedy never awarded as of right.”  
8 Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 24 (2008) (citation  
9 omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to  
10 succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
11 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in  
12 the public interest.” Id. at 20 (citations omitted). An injunction may only be awarded  
13 upon a clear showing that the plaintiff is entitled to relief. Id. at 22 (citation omitted).

14 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the  
15 court must have before it an actual case or controversy. City of Los Angeles v. Lyons,  
16 461 U.S. 95, 101-2 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of  
17 Church and State, Inc., 454 U.S. 464, 471 (1982); Jones v. City of Los Angeles, 444  
18 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or  
19 controversy before it, it has no power to hear the matter in question. Id. “A federal court  
20 may issue an injunction if it has personal jurisdiction over the parties and subject matter  
21 jurisdiction over the claim; it may not attempt to determine the rights of persons not  
22 before the court.” Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th  
23 Cir. 1985).

24 This action is proceeding on Eighth and Fourteenth Amendment claims against  
25 officials at Wasco State Prison. Since no official from the Fresno County Jail, where  
26 Plaintiff currently is incarcerated, is a party to this action, the Court has no jurisdiction to  
27 order them to act as requested or otherwise.

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1 **III. CONCLUSION**

2 The Court finds that Plaintiff has set forth good cause to justify a thirty day  
3 extension of time. However, under the circumstances, Plaintiff is not entitled to  
4 preliminary injunctive relief.

5 Accordingly, it is HEREBY ORDERED that Plaintiff's request for an extension of  
6 time is GRANTED. Further, it is HEREBY RECOMMENDED that Plaintiff's request for  
7 preliminary injunctive relief be DENIED.

8 These Findings and Recommendations are submitted to the United States District  
9 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1).  
10 Within thirty (30) days after being served with these Findings and Recommendations,  
11 any party may file written objections with the Court and serve a copy on all parties. Such  
12 a document should be captioned "Objections to Magistrate Judge's Findings and  
13 Recommendations." Any reply to the objections shall be served and filed within ten (10)  
14 days after service of the objections. The parties are advised that failure to file objections  
15 within the specified time may waive the right to appeal the District Court's order.  
16 Martinez v. Ylst, 951 F.2d 1153 (9th Cir.1991).

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18 IT IS SO ORDERED.

19 Dated: June 24, 2014

/s/ Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE

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