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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

THOMAS L. DAVIS,	CASE NO. 1:10-cv-1457-MJS (PC)
Plaintiff,	ORDER DENYING MOTION TO
v.	ENCUMBER, MOTION FOR DISCOVERY,
UNITED POSTAL SERVICES,	MOTION TO COLLECT DEBT AND
Defendant.	MOTION FOR SUMMARY JUDGMENT
	(ECF Nos.4, 9, 15 & 16)

Plaintiff Thomas L Davis, a state prisoner proceeding pro se and in forma pauperis, filed this action on August 2, 2010. (ECF No. 1.) On November 10, 2010, the Court dismissed Plaintiff's Complaint for failure to state a claim upon which relief could be granted. Plaintiff was given leave to amend his complaint by December 13, 2010. (ECF No. 17.) Plaintiff has not yet filed an amended complaint.

Before the Court are the following motions filed by Plaintiff: (1) An August 3, 2010 "Motion to Place a Legal Encumber on Defendant" (ECF No. 4); (2) An August 20, 2010 "Letter Motion for Discovery" (ECF No. 9); (3) An October 8, 2010 "Motion to Collect Debt From Defendant and to Release Burdens" (ECF No. 15); and (4) An October 18, 2010 "Motion for Summary Judgment" (ECF No. 16).

This federal court is a court of limited jurisdiction and lacks the power to act on a motion if it does not have an actual case or controversy before it. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58

1 (1982). At this stage in the proceedings, Plaintiff has not stated any claims for relief which  
2 are cognizable under federal law. As a result, the Court has no case or controversy before  
3 it and lacks jurisdiction to grant Plaintiff the relief he seeks.

4 Accordingly, Plaintiff's motions are DENIED. Plaintiff is free to refile the motions at  
5 the appropriate time after he files an amended complaint and if and after the Court  
6 determines that his amended complaint states a cognizable claim.

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9 IT IS SO ORDERED.

10 Dated: November 15, 2010

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE