

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM BRADLEY,

Plaintiff,

v.

J. VILLA, et al.,

Defendants.

CASE NO. 1:10-cv-1618-LJO-MJS (PC)

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

(ECF No. 7)

OBJECTIONS DUE IN THIRTY DAYS

Plaintiff William Bradley ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 20, 2010, Plaintiff filed a document asking the Court to order the prison library staff to grant him access to the law library for the next forty-five days. (ECF No. 7.) The Court construes this as a motion for injunctive relief.

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

Plaintiff's complaint in this action alleges that Defendants violated his Eighth Amendment rights by the use of excessive force. (ECF No. 1.) Any orders relating to law library access would not remedy the claim upon which this action proceeds. The Court therefore lacks jurisdiction to issue the order sought by plaintiff. Accordingly, the Court RECOMMENDS that Plaintiff's request for access to the law library be DENIED.

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

8
9
10 IT IS SO ORDERED.

11 Dated: October 7, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE