

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANGEL LOUIS VEGA,

CASE NO. 1:10-cv-01625-SMS PC

Plaintiff,

ORDER RE PLAINTIFF'S MOTION FOR
CLARIFICATION

v.

(ECF No. 9)

JHON CHOKATOS, et al.,

Defendants.

Plaintiff Angel Louis Vega ("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 July 12, 2011, Plaintiff filed a motion requesting clarification of the order denying his motion for summary judgment as premature. (ECF No. 9.)

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, 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 (1982); 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.

At this point in time, there is no case or controversy before the court, and the court has no jurisdiction to grant summary judgment. The court has not screened the complaint, and defendants have not been served. Until and unless the court finds that plaintiff has stated cognizable claims for relief under section 1983 and the defendants against whom the claims are stated have been served

1 and made an appearance in this action, the court will not have jurisdiction to issue any orders
2 awarding the relief plaintiff seeks.

3 IT IS SO ORDERED.

4 **Dated: July 22, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE