

1 Amendment arising from events in 2009. (ECF Nos. 20, 87.) In Plaintiff's request for a temporary
2 restraining order and preliminary injunction, Plaintiff complains that he was retaliated against by Dr.
3 Tate in September and October 2013. Specifically, Plaintiff alleges that Dr. Tate: (1) cancelled
4 Plaintiff's chronic pain medication on September 10, 2013; (2) cancelled Plaintiff's follow-up pain
5 management on September 23, 2013; (3) denied Plaintiff's appeal for treatment by a pain specialist
6 and orthopedic specialist and for placement back on morphine on September 26, 2013; and (4) ordered
7 confiscation of Plaintiff's wrist brace on October 2, 2013. Plaintiff requests that the Court ensure that
8 he receives proper medical care during the course of this litigation.

9 "A preliminary injunction is an extraordinary remedy never awarded as of right." Winter v.
10 Natural Resources Defense Council, Inc., 55 U.S. 7, 24, 129 S.Ct. 365, 376 (2008) (citation omitted).
11 "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits,
12 that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of
13 equities tips in his favor, and that an injunction is in the public interest." Id. at 20 (citations omitted).
14 An injunction may only be awarded upon a clear showing that the plaintiff is entitled to relief. Id. at
15 22 (citation omitted).

16 Federal courts are courts of limited jurisdiction and in considering a request for preliminary
17 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it
18 an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 101-102, 103 S.Ct. 1660,
19 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.,
20 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or
21 controversy before it, it has no power to hear the matter in question. Id.

22 Here, the Court lacks jurisdiction to issue injunctive relief based on alleged retaliatory acts by
23 Dr. Tate, which took place after this action was filed, because the Court does not have such a case or
24 controversy before it in this action. In other words, Dr. Tate is not party before the Court and this
25 action does not concern retaliation. As such, the Court does not have jurisdiction over Dr. Tate, the
26 California Correctional Institution or the claim of retaliation in order to grant the requested relief.
27 Lyons, 461 U.S. at 102; Valley Forge Christian Coll., 454 U.S. at 471.

