

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

REGINALD DIXON,

Plaintiff,

v.

JAMES HARTLEY, et al.,

Defendants.

CASE NO. 1:11-cv-00339-SKO PC

ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTION

(Doc. 10)

Plaintiff Reginald Dixon, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 28, 2011. On May 26, 2011, Plaintiff filed a motion seeking a preliminary injunction requiring prison officials to provide him with adequate medical care.

As a threshold matter, Plaintiff must establish that he has standing to seek preliminary injunctive relief. Summers v. Earth Island Institute, 555 U.S. 488, ___, 129 S.Ct. 1142, 1149 (2009) (citation omitted); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010) (citation omitted). Plaintiff “must show that he is under threat of suffering an ‘injury in fact’ that is concrete and particularized; the threat must be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to challenged conduct of the defendant; and it must be likely that a favorable judicial decision will prevent or redress the injury.” Summers, 129 S.Ct. at 1149 (citation omitted); Mayfield, 599 F.3d at 969.

The medical care claims set forth in Plaintiff’s complaint arise from events which occurred at Avenal State Prison in 2009 and 2010. In addition to the fact that Plaintiff’s claims arise from past

1 events, Plaintiff is no longer incarcerated at Avenal State Prison. Accordingly, Plaintiff lacks
2 standing to seek relief directed at remedying his current conditions of confinement at the California
3 Men's Colony-West in San Luis Obispo and his motion for a preliminary injunction is HEREBY
4 DENIED.

5
6 IT IS SO ORDERED.

7 **Dated:** June 7, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE