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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENELL CAVER,

Case No. 1:11-cv-01025-AWI-SKO (PC)

Plaintiff,

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER
AND REQUESTING DEFENDANTS'
COUNSEL PROVIDE A STATUS REPORT
WITHIN FIFTEEN DAYS

v.

E. GOMEZ, et al.,

Defendants.

(Doc. 100)

Plaintiff Denell Caver (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 20, 2011. This action is proceeding on Plaintiff’s second amended complaint, filed on April 10, 2012, against Defendants Gomez, Stark, and Garcia (“Defendants”) for acting with deliberate indifference to Plaintiff’s safety, in violation of the Eighth Amendment of the United States Constitution. Jury trial is scheduled for February 9, 2016.

On September 17, 2015, Plaintiff filed a motion seeking a temporary restraining order requiring prison officials at California State Prison-Corcoran provide him with access to his legal property.¹ Plaintiff represents that all of his property, including his legal material, was confiscated, preventing him from preparing for the upcoming trial. Defendants did not file a response. Local Rule 230(I).

¹ The analysis for a temporary restraining order is substantially identical to that for a preliminary injunction. *Stuhlberg Intern. Sales Co., Inc. v. John D. Brush and Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

1 Federal courts are courts of limited jurisdiction, *Kokkonen v. Guardian Life Ins. Co. of*
2 *America*, 511 U.S. 375, 377, 114 S.Ct. 1673 (1994), and the Court lacks jurisdiction to issue any
3 orders regarding Plaintiff's current conditions of confinement, including access to legal property,
4 18 U.S.C. § 3626(a)(1)(A); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 112 S.Ct. 2130
5 (1992); *Summers v. Earth Island Institute*, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009);
6 *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010). However, Plaintiff's need to prepare
7 for trial requires some accommodation from prison officials. See *Blaisdell v. Frappiea*, 729 F.3d
8 1237, 1243-44 (9th Cir. 2013); *Silva v. Di Vittorio*, 658 F.3d 1090, 1101 (9th Cir. 2011).
9 Therefore, Defendants' counsel is requested to contact the Litigation Coordinator regarding
10 Plaintiff's ability to access his legal material for this case and to file a status report within fifteen
11 days. The Court notes that Plaintiff already filed his pretrial statement and a motion seeking the
12 attendance of two inmate witnesses.

13 Accordingly, Plaintiff's motion for a temporary restraining order is HEREBY DENIED for
14 lack of jurisdiction, and within **fifteen (15) days** from the date of service of this order,
15 Defendants' counsel SHALL file a status report in compliance with this order.

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17 IT IS SO ORDERED.

18 Dated: October 19, 2015



19 SENIOR DISTRICT JUDGE

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