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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CURLEY JOHN BROUSSARD, JR.,

CASE NO. 1:11-cv-01276-BAM PC

Plaintiff,

ORDER DENYING PLAINTIFF’S MOTION FOR
A COURT ORDER AND GRANTING MOTION
FOR AN EXTENSION OF TIME TO FILE
AMENDED COMPLAINT

v.

LISA A. MUNOZ, et al.,

(ECF No. 16)

Defendants.

THIRTY-DAY DEADLINE

_____ /

Plaintiff Curley John Broussard, Jr., is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On August 10, 2012, an order issued dismissing Plaintiff’s complaint, with leave to file an amended complaint within thirty days. On August 22, 2012, Plaintiff filed a motion seeking injunctive relief and a thirty day extension of time to file an amended complaint. The Court finds good cause to grant Plaintiff’s motion for an extension of time to file his amended complaint.

Plaintiff seeks a court order requiring prison officials to place Plaintiff in Cell 1411 where he and other inmates were assisting each other with legal work, “remove all correctional staff in conflict of interest to their duty of safety and security,” and return Plaintiff’s legal property. (Motion to Return Property 2, ECF No. 16.) Federal courts are courts of limited jurisdiction and in considering a request for injunctive relief, the Court is bound by the requirement that as a preliminary matter, it 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

1 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court
2 does not have an actual case or controversy before it, it has no power to hear the matter in question.
3 Id. “[The] triad of injury in fact, causation, and redressability constitutes the core of Article III’s
4 case-or-controversy requirement, and the party invoking federal jurisdiction bears the burden of
5 establishing its existence.” Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 103-04, 118 S.Ct.
6 1003 (1998). Requests for prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the
7 Prison Litigation Reform Act, which requires that the Court find the “relief [sought] is narrowly
8 drawn, extends no further than necessary to correct the violation of the Federal right, and is the least
9 intrusive means necessary to correct the violation of the Federal right.” Since Plaintiff’s complaint
10 has been dismissed there is no case or controversy before the Court upon which relief can be granted.
11

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s motion for a court order is denied, without prejudice; and
- 14 2. Plaintiff shall be granted thirty days from the date of service of this order in which
15 to file an amended complaint.

16
17 IT IS SO ORDERED.

18 **Dated: August 27, 2012**

/s/ **Barbara A. McAuliffe**
UNITED STATES MAGISTRATE JUDGE