

1 actual case or controversy. 18 U.S.C. § 3626(a)(1)(A); Summers v. Earth Island Institute, 555 U.S.
2 488, 493 (2009); Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 103-04 (1998); City of Los
3 Angeles v. Lyons, 461 U.S. 95, 101 (1983); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir.
4 2010). Plaintiff's claim in this action arises from a past incident in which he alleges that the
5 defendants told gang members to attack him. The pendency of this action does not confer on the
6 Court jurisdiction to issue an order prohibiting the California Department of Corrections and
7 Rehabilitation from transferring Plaintiff to HDSP because such an order would not remedy the
8 underlying legal claim, which involves Defendants' past conduct. 18 U.S.C. § 3626(a)(1)(A);
9 Summers, 555 U.S. at 495; Steel Co., 523 U.S. at 103-04; Lyons, 461 U.S. at 101; Mayfield, 599 F.3d
10 at 969.

11 However, based on the allegation that Plaintiff's would be in imminent danger if he were to be
12 transferred to HDSP, the Court shall serve a courtesy copy of this order on the wardens of the involved
13 institutions. The Court requests the Warden where Plaintiff is currently housed and the Warden of
14 HDSP to ensure that appropriate precautions are taken to ensure Plaintiff's safety.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Plaintiff's motion for a temporary restraining order is DENIED; and
- 17 2. The Clerk of the Court is directed to serve a courtesy copy of this order on the Wardens
18 of Kern Valley State Prison and High Desert State Prison.
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20 IT IS SO ORDERED.

21 Dated: February 11, 2015

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23 SENIOR DISTRICT JUDGE
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