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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	ABEL VALENCIA,) Case No.: 1:12-cv-01446-AWI-SAB (PC)
12	Plaintiff,	FINDINGS AND RECOMMENDATION REGARDING PLAINTIFF'S REQUEST FOR COURT ORDER FOR PRISON OFFICIALS TO FORWARD LEGAL MATERIAL [ECF No. 20]
13	v.	
14	CONNIE GIPSON, et al.,	
15	Defendants.	
16		
17	Plaintiff Abel Valencia is appearing pro se and in forma pauperis in this civil rights action	
18	pursuant to 42 U.S.C. § 1983.	
19	Now pending before the Court is Plaintiff's motion for a court order directing prison officials	
20	at Corcoran State Prison to forward Plaintiff his legal material, property, and copies of civil complaint.	
21	(ECF NO. 20.) The Court construes Plaintiff's motion as a request for a preliminary injunction.	
22	I.	
23	DISCUSSION	
24	"A preliminary injunction is an extraordinary remedy never awarded as of right." Winter v.	
25	Natural Resources Defense Council, Inc., 555 U.S. 7, 24 (2008) (citation omitted). "A plaintiff	
26	seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is	
27	likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in	
28		

his favor, and that an injunction is in the public interest." <u>Id.</u> at 20 (citations omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled to relief. Id. at 23.

Federal courts are courts of limited jurisdiction and in considering a request for preliminary 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 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. Id. "[The] triad of injury in fact, causation, and redressability constitutes the core of Article III's case-or-controversy requirement, and the party invoking federal jurisdiction bears the burden of establishing its existence." Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 103-04 (1998). Requests for prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find the "relief [sought] is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right."

On February 24, 2014, the undersigned issued a recommendation that this action proceed on Plaintiff's due process challenge relating to his validation as a gang member and retaliation claim only, and all other claims be dismissed from the action for failure to state a cognizable claim. Plaintiff is advised that the pendency of this action does not give the Court jurisdiction over prison officials in general or other Plaintiff's property issues. Summers v. Earth Island Institute, 555 U.S. 488, 493 (2009); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties in this action and to the viable legal claims upon which this action is proceeding. Summer, 555 U.S. at 493; Mayfield, 599 F.3d at 969. Because there is no viable claim relating to Plaintiff's property, his request for injunctive relief must be denied.

II.

RECOMMENDATION

Based on the foregoing,

IT IS HEREBY RECOMMENDED that Plaintiff's motion for a preliminary injunction be DENIED.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within fifteen (15) days after being served with these Findings and Recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: **April 2, 2014**

UNITED STATES MAGISTRATE JUDGE

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