



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

3 Federal courts are courts of limited jurisdiction and in considering a request for preliminary  
4 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it  
5 an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983); Valley Forge  
6 Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982). If  
7 the Court does not have an actual case or controversy before it, it has no power to hear the matter in  
8 question. Id. “[The] triad of injury in fact, causation, and redressability constitutes the core of Article  
9 III’s case-or-controversy requirement, and the party invoking federal jurisdiction bears the burden of  
10 establishing its existence.” Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 103-04 (1998).  
11 Requests for prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison  
12 Litigation Reform Act, which requires that the Court find the “relief [sought] is narrowly drawn,  
13 extends no further than necessary to correct the violation of the Federal right, and is the least intrusive  
14 means necessary to correct the violation of the Federal right.”

15 On February 24, 2014, the undersigned issued a recommendation that this action proceed on  
16 Plaintiff’s due process challenge relating to his validation as a gang member and retaliation claim  
17 only, and all other claims be dismissed from the action for failure to state a cognizable claim. Plaintiff  
18 is advised that the pendency of this action does not give the Court jurisdiction over prison officials in  
19 general or other Plaintiff’s property issues. Summers v. Earth Island Institute, 555 U.S. 488, 493  
20 (2009); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010). The Court’s jurisdiction is  
21 limited to the parties in this action and to the viable legal claims upon which this action is proceeding.  
22 Summer, 555 U.S. at 493; Mayfield, 599 F.3d at 969. Because there is no viable claim relating to  
23 Plaintiff’s property, his request for injunctive relief must be denied.

## 24 II.

### 25 RECOMMENDATION

26 Based on the foregoing,

27 IT IS HEREBY RECOMMENDED that Plaintiff’s motion for a preliminary injunction be  
28 DENIED.

1           These Findings and Recommendations will be submitted to the United States District Judge  
2 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fifteen (15)**  
3 **days** after being served with these Findings and Recommendations, Plaintiff may file written  
4 objections with the Court. The document should be captioned "Objections to Magistrate Judge's  
5 Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified  
6 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
7 Cir. 1991).

8  
9 IT IS SO ORDERED.

10 Dated: April 2, 2014

  
UNITED STATES MAGISTRATE JUDGE