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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER,
Plaintiff,
vs.
R. BRANNUM, et al.,
Defendants.

1:12-cv-01516-AWI-GSA-PC
ORDER DENYING PLAINTIFF'S
MOTION FOR STAY OF PROCEEDINGS
AND INJUNCTIVE RELIEF
(Doc. 40.)

I. BACKGROUND

Antwoine Bealer ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). Plaintiff filed the Complaint commencing this action on September 14, 2012. (Doc. 1.) This case now proceeds on Plaintiff's Fourth Amended Complaint filed on March 28, 2014, against defendants Sergeant R. Brannum and Correctional Officer S. Rios, for use of excessive force in violation of the Eighth Amendment. (Doc. 21.)

On February 6, 2015, Plaintiff filed a motion for stay of the proceedings in this action, and for injunctive relief. (Doc. 40.)

II. MOTION TO STAY

Plaintiff requests a stay of the proceedings in this action until he has access to his property. Plaintiff asserts that on December 16, 2014, he was released from Administrative

1 Segregation to the B Yard at Kern Valley State Prison, and was denied of his property and
2 forced to send it to his mother's house. Now Plaintiff asserts that he does not have the
3 documents he needs to litigate this case, and he is unable to complete and file a Rule 60 motion
4 he was preparing to submit in December 2014.

5 The Court does not lightly stay litigation, due to the possibility of prejudice to
6 defendants. There are currently no pending court deadlines in this action. On December 10,
7 2014, the court issued an order directing the U. S. Marshals Service to serve process upon the
8 defendants. (Doc. 39.) To date, there is no evidence on the court record that service has been
9 completed, and no other parties have appeared in this action. Plaintiff has not shown good
10 cause for the court to stay the proceedings in this action. If Plaintiff requires additional time to
11 respond to any deadline that may arise in this action, he should file a motion for extension of
12 time before the deadline expires. The court routinely grants extensions of time when good
13 cause is shown. Based on the foregoing, Plaintiff's motion for stay shall be denied.

14 **III. PRELIMINARY INJUNCTIVE RELIEF**

15 Plaintiff also requests preliminary injunctive relief. The purpose of a preliminary
16 injunction is to preserve the status quo if the balance of equities so heavily favors the moving
17 party that justice requires the court to intervene to secure the positions until the merits of the
18 action are ultimately determined. University of Texas v. Camenisch, 451 U.S. 390, 395 (1981).

19 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court
20 must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95,
21 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation
22 of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); Jones v. City of
23 Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or
24 controversy before it, it has no power to hear the matter in question. Id. Thus, "[a] federal
25 court may issue an injunction [only] if it has personal jurisdiction over the parties and subject
26 matter jurisdiction over the claim; it may not attempt to determine the rights of persons not
27 before the court." Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.
28 1985).

