

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 ANTWOINE BEALER,
12 Plaintiff,
13 vs.
14 R. BRANNUM, et al.,
15 Defendants.
16

1:12-cv-01516-AWI-GSA-PC

ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTIVE RELIEF,
FOR LACK OF JURISDICTION
(Doc. 51.)

17 **I. BACKGROUND**

18 Antoine Bealer ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis
19 with this civil rights action pursuant to 42 U.S.C. § 1983. On September 14, 2012, Plaintiff
20 filed the Complaint commencing this action. (Doc. 1.) This case now proceeds with the Fourth
21 Amended Complaint filed on March 28, 2014, against defendants Rios and Brannum for use of
22 excessive force in violation of the Eighth Amendment. (Doc. 21.)

23 On May 1, 2015, Plaintiff filed a motion for preliminary injunctive relief. (Doc. 51.)

24 **II. PRELIMINARY INJUNCTIVE RELIEF**

25 The court lacks jurisdiction to grant Plaintiff's request. Federal courts are courts of
26 limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is
27 bound by the requirement that as a preliminary matter, it have before it an actual case or
28 controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983);

1 Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S.
2 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or
3 controversy before it, it has no power to hear the matter in question. Id.

4 Plaintiff requests relief from being denied access to the court. Specifically, Plaintiff
5 seeks greater access to the law library and his legal materials.

6 The court lacks jurisdiction to issue the order sought by Plaintiff, because such
7 controversies are not before the court in this case. As discussed above, federal courts are courts
8 of limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is
9 bound by the requirement that as a preliminary matter, it have before it an actual case or
10 controversy. City of Los Angeles, 461 U.S. at 102; Valley Forge Christian Coll., 454 U.S. at
11 471. Here, Plaintiff's complaint concerns claims for excessive force against defendants based
12 on events occurring in 2010-2011. An order granting Plaintiff access to the law library and his
13 legal materials would not remedy any of the claims upon which this action proceeds.
14 Therefore, Plaintiff's request for a preliminary injunction must be denied.

15 **III. CONCLUSION**

16 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for
17 preliminary injunctive relief, filed on May 1, 2015, is DENIED.

18
19 IT IS SO ORDERED.

20 Dated: May 16, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE