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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEROY MANNING,
Plaintiff,
vs.
L. D. ZAMORA, et al.,
Defendants.

1:12-cv-01621-LJO-GSA-PC
ORDER DENYING MOTION FOR COURT
ORDER DIRECTING PRISON TO
PROVIDE PLAINTIFF ACCESS TO
PERSONAL PROPERTY
(Doc. 41.)

I. BACKGROUND

Leroy Manning ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on October 3, 2012. (Doc. 1.)

On January 12, 2015, Plaintiff filed a motion for a court order directing prison officials to provide him with his personal property, particularly his reading glasses. (Doc. 41.)

II. PRELIMINARY INJUNCTIVE RELIEF

The purpose of a preliminary injunction is to preserve the status quo if the balance of equities so heavily favors the moving party that justice requires the court to intervene to secure

1 the positions until the merits of the action are ultimately determined. University of Texas v.
2 Camenisch, 451 U.S. 390, 395 (1981). A preliminary injunction is available to a plaintiff who
3 “demonstrates either (1) a combination of probable success and the possibility of irreparable
4 harm, or (2) that serious questions are raised and the balance of hardship tips in its favor.”
5 Arcamuzi v. Continental Air Lines, Inc., 819 F. 2d 935, 937 (9th Cir. 1987). Under either
6 approach the plaintiff “must demonstrate a significant threat of irreparable injury.” Id. Also, an
7 injunction should not issue if the plaintiff “shows no chance of success on the merits.” Id. At a
8 bare minimum, the plaintiff “must demonstrate a fair chance of success of the merits, or
9 questions serious enough to require litigation.” Id.

10 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court
11 must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95,
12 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation
13 of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); Jones v. City of
14 Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or
15 controversy before it, it has no power to hear the matter in question. Id. Thus, “[a] federal
16 court may issue an injunction [only] if it has personal jurisdiction over the parties and subject
17 matter jurisdiction over the claim; it may not attempt to determine the rights of persons not
18 before the court.” Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.
19 1985).

20 **Discussion**

21 Plaintiff is presently incarcerated at High Desert State Prison in Susanville, California.
22 Plaintiff seeks a court order requiring prison officials there to provide him with his personal
23 property. However, the events at issue in Plaintiff’s Complaint allegedly occurred in 2011 at
24 Avenal State Prison in Avenal, California, when Plaintiff was incarcerated there. The order
25 Plaintiff seeks would require present actions by persons who are not defendants in this action
26 and would not remedy any of the claims upon which this action proceeds. Therefore, the court
27 lacks jurisdiction to issue the order sought by Plaintiff, and Plaintiff’s motion must be denied.

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1 **III. CONCLUSION**

2 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for a court
3 order directing prison officials to provide him with his property is DENIED.

4
5 IT IS SO ORDERED.

6 Dated: January 13, 2015

/s/ Gary S. Austin
7 UNITED STATES MAGISTRATE JUDGE