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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

BRADY K. ARMSTRONG, ) Case No.: 1:12-cv-01622-LJO-SAB (PC)  
 )  
Plaintiff, )  
 )  
v. ) FINDINGS AND RECOMMENDATION  
 ) REGARDING PLAINTIFF’S MOTION FOR  
 ) PRELIMINARY INJUNCTION AND  
J. AGUERERRALDE, et al., ) TEMPORARY RESTRAINING ORDER  
 )  
Defendants. ) [ECF No. 12]  
 )  
 )

Plaintiff Brady K. Armonstrong is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

Now pending before the Court is Plaintiff’s motion requesting a preliminary injunction and temporary restraining order.

Plaintiff contends that he has been continuously subject to reprisal such as “food poisoning, battery, assault, interf[erence] with medical examination and/or procedure previously medically prescribed” by prison officials at California Substance Abuse Treatment Facility at Corcoran State Prison.

**I.  
DISCUSSION**

“A preliminary injunction is an extraordinary remedy never awarded as of right.” Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 22, 129 S.Ct. 365, 376 (2008) (citation omitted). “A

1 plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that  
2 he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities  
3 tips in his favor, and that an injunction is in the public interest.” Id. at 20 (citations omitted). An  
4 injunction may only be awarded upon a clear showing that the plaintiff is entitled to relief. Id. at 22  
5 (citation omitted).

6 Federal courts are courts of limited jurisdiction and in considering a request for preliminary  
7 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it  
8 an actual case or controversy. City of L.A. v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983);  
9 Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464,  
10 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or controversy before it,  
11 it has no power to hear the matter in question. Id. “[The] triad of injury in fact, causation, and  
12 redressability constitutes the core of Article III’s case-or-controversy requirement, and the party  
13 invoking federal jurisdiction bears the burden of establishing its existence.” Steel Co. v. Citizens for a  
14 Better Env’t, 523 U.S. 83, 103-04, 118 S.Ct. 1003 (1998). Requests for prospective relief are further  
15 limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the  
16 Court find the “relief [sought] is narrowly drawn, extends no further than necessary to correct the  
17 violation of the Federal right, and is the least intrusive means necessary to correct the violation of the  
18 Federal right.”

19 In an order issued concurrently herewith, the Court has dismissed Plaintiff’s complaint with  
20 leave to amend. As a consequence, there is no actual case or controversy before the Court at this time.  
21 Therefore, the Court lacks the jurisdiction to issue the orders sought by Plaintiff. Summers v. Earth  
22 Island Inst., 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009); Stormans, Inc. v. Selecky, 586 F.3d 1109,  
23 1119 (9th Cir. 2009). Furthermore, the allegations in Plaintiff’s complaint occurred while he was  
24 housed at Pleasant Valley State Prison in Coalinga, California, and Plaintiff seeks injunctive relief for  
25 actions against prison officials which occurred at California Substance Abuse Treatment Facility at  
26 Corcoran State Prison. Thus, Plaintiff’s motion does not show serious questions going to merits of  
27 this action because it relates to entirety different events. Plaintiff lacks standing to seek relief directed  
28 at remedying his current conditions of confinement at Corcoran State Prison. Zenith Radio Corp v.

1 Hazeltine Research, Inc., 395 U.S. 100 (1969).

2  
3 **II.**

4 **RECOMMENDATION**

5 Accordingly, it is HEREBY RECOMMENDED that Plaintiff's motion for a preliminary  
6 injunction be DENIED.

7 This Findings and Recommendation is submitted to the assigned United States District Court  
8 Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of  
9 Practice for the United States District Court, Eastern District of California. Within thirty (30) days  
10 after being served with a copy, Plaintiff may file written objections with the court and serve a copy on  
11 all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and  
12 Recommendation." The Court will then review the Magistrate Judge's ruling pursuant to 28 U.S.C. §  
13 636 (b)(1)(C). The parties are advised that failure to file objections within the specified time may  
14 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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16  
17 IT IS SO ORDERED.

18 Dated: November 14, 2013

19   
20 UNITED STATES MAGISTRATE JUDGE