



1 For each form of relief sought in federal court, Plaintiff must establish standing. [Mayfield v.](#)  
2 [United States, 599 F.3d 964, 969 \(9th Cir. 2010\), cert.denied, 131 S. Ct. 503 \(2010\)](#). To seek  
3 injunctive relief, Plaintiff must “show that he is under threat of suffering ‘injury in fact’ that is  
4 concrete and particularized; the threat must be actual and imminent, not conjectural or hypothetical; it  
5 must be fairly traceable to challenged conduct of the defendant; and it must be likely that a favorable  
6 judicial decision will prevent or redress the injury.” [Summers v. Earth Island Institute, 129 S. Ct.](#)  
7 [1142, 1149 \(2009\)](#) (citation omitted); [Mayfield, 599 F.3d at 969](#) (citation omitted).

8 Federal courts are courts of limited jurisdiction and in considering a request for preliminary  
9 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it  
10 an actual case or controversy. [City of Los Angeles v. Lyons, 461 U.S. 95, 102 \(1983\)](#); [Valley Forge](#)  
11 [Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471 \(1982\)](#). If  
12 the Court does not have an actual case or controversy before it, it has no power to hear the matter in  
13 question. [Valley Forge Christian Coll., 454 U.S. at 471](#); also [Steel Co. v. Citizens for a Better Env’t,](#)  
14 [523 U.S. 83, 94 \(1998\)](#). The Prison Litigation Reform Act also places limitations on injunctive relief.  
15 Section 3626(a)(1)(A) provides in relevant part that “[p]rospective relief in any civil action with  
16 respect to prison conditions shall extend no further than necessary to correct the violation of the  
17 Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective  
18 relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to  
19 correct the violation of the Federal right, and is the least intrusive means necessary to correct the  
20 violation of the Federal right.” 18 U.S.C. § 3626(a)(1)(A).

21 The case or controversy requirement cannot be met in light of the fact that the issue Plaintiff  
22 seeks to remedy at Corcoran State Prison bears no relation to his claim that his due process rights were  
23 violated by Lt. E. Cervantes at CDCR-Jamestown. [Lyons, 461 U.S. at 102](#); [18 U.S.C. §](#)  
24 [3626\(a\)\(1\)\(A\)](#); also [Summers, 129 S. Ct. at 1148-49](#); [Steel Co., 523 U.S. at 102-04, 107](#). Because the  
25 case-or-controversy requirement cannot be met, the pendency of this action provides no basis upon  
26 which to award Plaintiff injunctive relief. [Steel Co., 523 U.S. at 102-103](#).

27 Accordingly, it is recommended that Plaintiff’s motion for preliminary injunctive relief, filed  
28 November 1, 2012, be DENIED with prejudice for lack of jurisdiction.

