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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEVIN D. BRYANT,  
Plaintiff,  
vs.  
R. ROMERO, et al.,  
Defendants.

1:12-cv-02074-DAD-GSA-PC  
ORDER DENYING MOTION TO  
COMPEL KC'S COURT REPORTING  
SERVICE TO REPORT DEPOSITIONS,  
AND FOR SANCTIONS  
(ECF No. 156.)

**I. BACKGROUND**

Kevin D. Bryant ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on December 26, 2012. (ECF No. 1.) This case now proceeds with the First Amended Complaint filed by Plaintiff on December 2, 2013, against defendants Lieutenant C. Waddle and Correctional Officer E. Castellanos, on Plaintiff's claim for retaliation. (ECF No. 16.) The events in the complaint allegedly occurred at Kern Valley State Prison (KVSP) when Plaintiff was incarcerated there in the custody of the California Department of Corrections and Rehabilitation (CDCR). This case is in the discovery phase.

1 On September 15, 2016, Plaintiff filed a motion to compel KC's Court Reporting  
2 service to report depositions, and for sanctions. (ECF No. 156.) Plaintiff's motion is now  
3 before the Court.

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5 **II. MOTION TO COMPEL KC'S COURT REPORTING SERVICE TO REPORT  
6 DEPOSITIONS, AND FOR SANCTIONS**

7 Plaintiff seeks a Court order compelling KC's Court Reporting service ("KC's") to report  
8 Plaintiff's depositions. (ECF No. 156.) Plaintiff claims that KC's attempted to breach their  
9 contract with Plaintiff to report the depositions Plaintiff intends to take. Plaintiff requests the  
10 Court to compel KC's to report his depositions and to impose sanctions if KC's refuses to do  
11 so.

12 It appears to the Court that Plaintiff's motion is moot, because KC's has now agreed to  
13 honor the contract and report his depositions. On September 29, 2016, Plaintiff notified the  
14 Court that KC's agreed to conduct depositions but needs Plaintiff's credit card information.  
15 (ECF No. 162 at 6.) If Plaintiff's motion is moot, it must be denied. Moreover, even if  
16 Plaintiff's motion is not moot, it must be denied because the Court lacks jurisdiction to grant  
17 the relief Plaintiff seeks against KC's.

18 **A. Preliminary Injunctive Relief**

19 The purpose of a preliminary injunction is to preserve the status quo if the balance of  
20 equities so heavily favors the moving party that justice requires the court to intervene to secure  
21 the positions until the merits of the action are ultimately determined. University of Texas v.  
22 Camenisch, 451 U.S. 390, 395 (1981). A preliminary injunction is available to a plaintiff who  
23 "demonstrates either (1) a combination of probable success and the possibility of irreparable  
24 harm, or (2) that serious questions are raised and the balance of hardship tips in its favor."  
25 Arcamuzi v. Continental Air Lines, Inc., 819 F. 2d 935, 937 (9th Cir. 1987). Under either  
26 approach the plaintiff "must demonstrate a significant threat of irreparable injury." Id. Also,  
27 an injunction should not issue if the plaintiff "shows no chance of success on the merits." Id.  
28 At a bare minimum, the plaintiff "must demonstrate a fair chance of success of the merits, or  
questions serious enough to require litigation." Id.

1 Federal courts are courts of limited jurisdiction and in considering a request for  
2 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary  
3 matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S.  
4 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for  
5 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the  
6 Court does not have an actual case or controversy before it, it has no power to hear the matter  
7 in question. Id. Requests for prospective relief are further limited by 18 U.S.C. §  
8 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find the  
9 “relief [sought] is narrowly drawn, extends no further than necessary to correct the violation of  
10 the Federal right, and is the least intrusive means necessary to correct the violation of the  
11 Federal right.”

12 **B. Discussion**

13 Plaintiff claims that KC’s attempted to breach their contract with Plaintiff. In support,  
14 Plaintiff has submitted a letter to Plaintiff dated June 16, 2016, from KC’s office manager,  
15 Carol Lancaster, notifying Plaintiff that KC’s services for reporting Plaintiff’s depositions had  
16 been reserved because KC’s had received his credit card information. (ECF No. 156 at 8, Exh.  
17 A.) Then, in a letter to Plaintiff dated September 8, 2016, KC’s office manager, Carol  
18 Lancaster, notified Plaintiff that KC’s had changed its mind and decided not to report his  
19 depositions. (Id. at 10 (Exh. A.) The letter stated, “We are in receipt of your five deposition  
20 notices, but regret that we must decline reporting your depositions [because K.C’s is] not  
21 familiar with the procedures in matters like this [and] the cost would be prohibitive.” (Id.) On  
22 September 11, 2016, Plaintiff wrote a letter to KC’s asking them not to breach the contract.  
23 (Id. at 6-7.)

24 The Court cannot grant the relief Plaintiff seeks. Because KC’s is not a defendant in  
25 this action, the Court does not have jurisdiction to issue an order requiring them to act on  
26 Plaintiff’s behalf. “[A] federal court may [only] issue an injunction if it has personal  
27 jurisdiction over the parties and subject matter jurisdiction over the claim; *it may not attempt to*  
28 *determine the rights of persons not before the court.*” Zepeda v. United States Immigration

1 Service, 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Moreover, the relief sought by  
2 Plaintiff would not remedy any of the claims upon which this case proceeds. This case  
3 proceeds only on Plaintiff's retaliation claims against Defendants Waddles and Castellanos.  
4 Therefore, the Court has no jurisdiction to compel KC's to report Plaintiff's depositions, and  
5 Plaintiff's motion must be denied.

6 **III. CONCLUSION**

7 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion to compel  
8 KC's Court Reporting service to report his depositions, filed on September 15, 2016, is  
9 DENIED.

10 IT IS SO ORDERED.

11 Dated: October 25, 2016

12 /s/ Gary S. Austin  
13 UNITED STATES MAGISTRATE JUDGE