



1 may only be awarded upon a clear showing that the plaintiff is entitled to relief. [Id. at 376](#) (citation  
2 omitted) (emphasis added).

3 In this case, Plaintiff’s complaint is currently pending screening pursuant to [28 U.S.C. §](#)  
4 [1915A\(a\)](#). As a result, there are no pending deadlines that require access to the law library. Further,  
5 the Fresno County Jail Rules cited by Plaintiff do not mandate a court order for access in civil matters.  
6 (ECF No. 8, Ex. A.)

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

17 Upon initial review, Plaintiff’s complaint concerns deliberate indifference to his medical  
18 needs, not law library access. The case or controversy requirement therefore cannot be met because  
19 the issue Plaintiff seeks to remedy in his motion bears no relation to his claims of deliberate  
20 indifference. [Lyons, 461 U.S. at 102](#); [18 U.S.C. § 3626\(a\)\(1\)\(A\)](#); [Steel Co. v. Citizens for a Better](#)  
21 [Env’t, 523 U.S. 83, 102-04, 118 S.Ct. 1003 \(1998\)](#). Because the case-or-controversy requirement  
22 cannot be met, the pendency of this action provides no basis upon which to award Plaintiff injunctive  
23 relief. [Id.](#)

24 Accordingly, based on the foregoing, the Court HEREBY RECOMMENDS that Plaintiff’s  
25 motion for court order directing access to the law library be DENIED.

26 These findings and recommendations will be submitted to the United States District Judge  
27 assigned to the case, pursuant to the provisions of [Title 28 U.S.C. § 636\(b\)\(1\)](#). Within thirty (30) days  
28 after being served with these findings and recommendations, Plaintiff may file written objections with

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the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. [Martinez v. Ylst, 951 F.2d 1153 \(9th Cir. 1991\)](#).

IT IS SO ORDERED.

Dated: May 9, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE