

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

FELIPE GARCIA,

Case No. 1:13-cv-00599-LJO-SKO (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
PETITION FOR WRIT OF MANDAMUS,
AND DENYING MOTION FOR
INJUNCTIVE RELIEF

M. BITER, et al..

Defendants.

(Docs. 34, 35, 39, and 40)

Plaintiff Felipe Garcia, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 25, 2013. This action for damages is proceeding against Defendants Hernandez, Mosqueda, and Baker for violating Plaintiff's constitutional rights at Kern Valley State Prison between June 2012 and January 2013.

The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On April 29, 2015, the Magistrate Judge issued two Findings and Recommendations recommending Plaintiff's petition for writ of mandamus and motion for injunctive relief be denied, with prejudice. Plaintiff filed a timely objection on May 13, 2015. Local Rule 304(b), (d).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. This Court has no jurisdiction over state prison officials with respect to the mandamus relief sought by Plaintiff; the

1 pendency of this action provides no jurisdictional basis to issue an injunction addressing Plaintiff's
2 current conditions of confinement at a different institution than that where the relevant events
3 occurred; and notwithstanding jurisdictional limitations, Plaintiff would not be entitled to either
4 form of extraordinary form. 18 U.S.C. § 3626(a)(1)(A); 28 U.S.C. § 1361; *Winter v. Natural*
5 *Resources Defense Council, Inc.*, 555 U.S. 7, 20, 129 S.Ct. 365 (2008) (preliminary injunction);
6 *Stafford v. Briggs*, 444 U.S. 527, 533-36, 100 S.Ct. 774 (1980) (mandamus); *Lopez v. Brewer*, 680
7 F.3d 1068, 1072 (9th Cir. 2012) (preliminary injunction); *Alvarez v. Hill*, 667 F.3d 1061, 1063-64
8 (9th Cir. 2012) (injunctive relief); *Johnson v. Reilly*, 349 F.3d 1149, 1154 (9th Cir. 2003)
9 (mandamus); *Nova Stylings, Inc. v. Ladd*, 695 F.2d 1179, 1180 (9th Cir. 1983) (mandamus).

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Findings and Recommendations, filed on April 29, 2015, are adopted in full;
12 2. Plaintiff's petition for writ of mandamus is DENIED, with prejudice; and
13 3. Plaintiff's motion for injunctive relief is DENIED, with prejudice.

14 IT IS SO ORDERED.
15

16 Dated: May 27, 2015

17 /s/ Lawrence J. O'Neill
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28