

1 omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on
2 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
3 balance of equities tips in his favor, and that an injunction is in the public interest.” Id. at 20 (citations
4 omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled to
5 relief. Id. at 22 (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 Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665
9 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S.
10 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or controversy
11 before it, it has no power to hear the matter in question. Id. Requests for prospective relief are further
12 limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the
13 Court find the “relief [sought] is narrowly drawn, extends no further than necessary to correct the
14 violation of the Federal right, and is the least intrusive means necessary to correct the violation of the
15 Federal right.”

16 The events at issue in this action occurred in 2012 and 2013 while Plaintiff was housed at
17 Corcoran State Prison. (ECF No. 10.) Plaintiff is now housed at Mule Creek State Prison and the
18 order sought is aimed at remedying his current conditions of confinement and medical treatment at
19 Mule Creek State Prison. The case or controversy requirement cannot be met because the issues
20 Plaintiff seeks to remedy in his motion bear no relation, jurisdictionally, to the past events at Corcoran
21 State Prison giving rise to this suit. Lyons, 461 U.S. at 102; 18 U.S.C. § 3626(a)(1)(A); also Summers
22 v. Earth Island Inst., 555 U.S. 488, 491-92, 129 S.Ct. 1142, 1148-49 (2009); Steel Co. v. Citizens for a
23 Better Env’t, 523 U.S. 83, 102-04, 118 S.Ct. 1003 (1998). Because the case-or-controversy
24 requirement cannot be met, the pendency of this action provides no basis upon which to award
25 Plaintiff injunctive relief. Id. The only relief available to Plaintiff in this action, should he prevail, is
26 money damages for the past violation of his constitutional rights while housed at Corcoran State
27 Prison in 2012 and 2013.

1 To the extent Plaintiff believes he is in danger, he has other avenues of relief available to him,
2 including filing a petition for writ of habeas corpus in state court. E.g., In re Estevez, 83 Cal.Rptr.3d
3 479, 491 (Cal. Ct. App. 2008) (alleged violations of the Eighth Amendment arising from inadequate
4 medical care may be brought to the state court’s attention through a petition for writ of habeas corpus).
5 The issue is not that Plaintiff’s allegations lack seriousness or that Plaintiff cannot obtain relief if
6 sought in the proper forum. Rather, the issue is that this particular action cannot be used by Plaintiff
7 to obtain the relief he seeks. The seriousness of Plaintiff’s allegations concerning potential harm
8 cannot and do not overcome the jurisdictional bar. Steel Co., 523 U.S. at 103-04 (“[The] triad of
9 injury in fact, causation, and redressability constitutes the core of Article III’s case-or-controversy
10 requirement, and the party invoking federal jurisdiction bears the burden of establishing its
11 existence.”)

12 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff’s motion for an order to show
13 cause for a preliminary injunction and temporary restraining order, filed June 25, 2014, be DENIED,
14 with prejudice, for lack of jurisdiction.

15 These Findings and Recommendations will be submitted to the United States District Judge
16 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen (14)
17 days after being served with these Findings and Recommendations, the plaintiff may file written
18 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s
19 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified
20 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.
21 1991).

22
23 IT IS SO ORDERED.

24 Dated: June 27, 2014

/s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE