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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GORDON D. MEADOR,

Plaintiff,

v.

DR. K. AYE, et al.,

Defendants.

Case No. 1:14-cv-0006 DAD DLB PC

**FINDINGS AND RECOMMENDATION
REGARDING MOTIONS FOR TEMPORARY
RESTRAINING ORDERS**

[ECF No. 68, 71]

Plaintiff Gordon D. Meador (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983.

On September 22, 2015, plaintiff filed a first amended complaint in this action. On March 24, 2016, defendants filed an answer. On May 5, 2016, the undersigned issued a discovery and scheduling order.

On May 23, 2016, Plaintiff filed a motion for a temporary restraining order. Plaintiff states that he has been moved to another cell at Kern Valley State Prison. He complains that the new cell does not have railings, lockers, desk, or electrical outlets. He seeks an order enjoining Kern Valley State Prison staff from moving him to a regular cell and instead housing him in a medical cell.

On June 22, 2016, Plaintiff filed a second motion for temporary restraining order. He claims that an “Officer Mack” at Kern Valley State Prison has attempted on several occasions to kill him.

1 He seeks a restraining order against Officer Mack as well as several other correctional officers at
2 Kern Valley State Prison to enjoin them from acting in concert or participating with each other in
3 attempting to kill or harm him. He states he has been moved to Lancaster as a result of these
4 attempts.

5 “[T]hose who seek to invoke the jurisdiction of the federal courts must satisfy the threshold
6 requirement imposed by Article III of the Constitution by alleging an actual case or controversy,”
7 City of Los Angeles v. Lyons, 461 U.S. 95, 101, 103 S.Ct. 1660, 1665 (1983) (citations omitted),
8 and for each form of relief sought in federal court, Plaintiff must establish standing, Summers v.
9 Earth Island Institute, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009) (citation omitted); Mayfield v.
10 United States, 599 F.3d 964, 969 (9th Cir. 2010) (citation omitted). This requires Plaintiff to show
11 that he is under threat of suffering an injury in fact that is concrete and particularized; the threat must
12 be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to challenged
13 conduct of the defendant; and it must be likely that a favorable judicial decision will prevent or
14 redress the injury. Summers, 555 U.S. at 493 (quotation marks and citation omitted); Mayfield, 599
15 F.3d at 969.

16 In addition, any award of equitable relief is governed by the Prison Litigation Reform Act,
17 which provides in relevant part, “Prospective relief in any civil action with respect to prison
18 conditions shall extend no further than necessary to correct the violation of the Federal right of a
19 particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless
20 the court finds that such relief is narrowly drawn, extends no further than necessary to correct the
21 violation of the Federal right, and is the least intrusive means necessary to correct the violation of the
22 Federal right.” 18 U.S.C. § 3626(a)(1)(A).

23 In this case, Plaintiff seeks a restraining order against individuals who are not defendants in
24 this case. Therefore, the Court lacks jurisdiction to issue the orders sought by Plaintiff. In addition,
25 Plaintiff has been moved to Lancaster, so the issues presented in his motions are now moot.

26 **RECOMMENDATION**

27 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff’s motions for preliminary
28 injunctive relief be DENIED.

