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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

HOMER EARL HAWKINS,	)	1:14-cv-00009-AWI-BAM (PC)
	)	
Plaintiff,	)	FINDINGS AND RECOMMENDATIONS
	)	REGARDING DENIAL OF PLAINTIFF’S
v.	)	MOTION FOR ENFORCEMENT OF
	)	COURT ORDERS AND AFFIRMATIVE
S. IBARRA, et al.,	)	RELIEF RELATED TO USE OF FORCE
	)	AND DISCIPLINARY MEASURES
Defendants.	)	(ECF No. 24)
	)	
	)	
	)	FOURTEEN-DAY DEADLINE
	)	

**I. Background**

Plaintiff Homer Earl Hawkins (“Plaintiff”) is a state prisoner proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendant S. Ibarra for excessive force in violation of the Eighth Amendment to the United States Constitution. The events in the complaint are alleged to have occurred at Pleasant Valley State Prison.

On February 13, 2015, Plaintiff filed a document entitled “Motion for Enforcement of Court Orders and Affirmative Relief Related to Use of Force and Disciplinary Measures.” (ECF No. 24.) Neither the nature of relief nor the basis for relief is sufficiently clear from Plaintiff’s moving papers. It appears that Plaintiff is attempting to obtain some form of injunctive relief related to his purported disabilities, medical care, and need for medical accessories.

1           **II. Discussion**

2           A plaintiff seeking injunctive relief “must establish that he is likely to succeed on the  
3 merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
4 balance of equities tips in his favor, and that an injunction is in the public interest.” Winter v.  
5 Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 129 S.Ct. 365, 374 (2008) (citations  
6 omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled  
7 to relief. Id. at 22 (citation omitted).

8           Federal courts are courts of limited jurisdiction and, in considering a request for  
9 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have  
10 before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103  
11 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church  
12 and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an  
13 actual case or controversy before it, it has no power to hear the matter in question. Lyons, 461  
14 U.S. at 102; Valley Forge Christian Coll., 454 U.S. at 471. Thus, “[a] federal court may issue an  
15 injunction [only] if it has personal jurisdiction over the parties and subject matter jurisdiction  
16 over the claim; it may not attempt to determine the rights of persons not before the court.”  
17 Zepeda v. United States Immigration Serv., 753 F.2d 719, 727 (9th Cir.1983); see Fed. R. Civ. P.  
18 65(d) (listing persons bound by injunction).

19           Plaintiff’s action concerns allegations against Defendant S. Ibarra for excessive force  
20 while Plaintiff was housed at Pleasant Valley State Prison. However, the request for injunctive  
21 relief appears to relate to Plaintiff’s current conditions of confinement at the California  
22 Substance Abuse Treatment Facility. The Court thus lacks jurisdiction in this action to issue an  
23 order directed at personnel and staff at the California Substance Abuse Treatment Facility.

24           **III. Conclusion and Recommendation**

25           Based on the above, IT IS HEREBY RECOMMENDED that Plaintiff’s motion for  
26 injunctive relief be DENIED.

27           These Findings and Recommendations will be submitted to the United States District  
28 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within

1 **fourteen (14) days** after being served with these Findings and Recommendations, Plaintiff may  
2 file written objections with the Court. The document should be captioned “Objections to  
3 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
4 objections within the specified time may result in the waiver of the “right to challenge the  
5 magistrate’s factual findings” on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.  
6 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

7 IT IS SO ORDERED.

8 Dated: April 13, 2015

9 /s/ Barbara A. McAuliffe  
10 UNITED STATES MAGISTRATE JUDGE  
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