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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ZANE HUBBARD,
Plaintiff,

v.

GIPSON, et al.,
Defendants.

Case No. 1:14-cv-00042-AWI-JLT (PC)

**ORDER DENYING PLAINTIFF'S
MOTION FOR EMERGENCY RELIEF
FOR LACK OF JURISDICTION**

(Doc. 24)

Plaintiff, Zane Hubbard, is a state prisoner who is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint in this action on January 13, 2014. (Doc. 1.) The action was screened and Plaintiff was twice granted leave to amend, but the ultimate result was dismissal on November 17, 2014 as the action was barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) and the complaint failed to state a cognizable claim. (See Docs. 7, 8, 9, 10, 15, 17.) Subsequently, Plaintiff filed an appeal in the Ninth Circuit which was dismissed for Plaintiff's failure to pay the filing fee. (Docs. 19-21, 25, 26.) On February 2, 2015, Plaintiff filed a motion for emergency relief in which he seeks transfer to another prison, a change in his housing, access to the law library for six months, an injunctive restraining order against Corcoran State Prison employees. (Doc. 24.) Thus, it is properly construed as a motion for injunctive relief.

Federal courts are courts of limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it an actual case or controversy. *City of Los Angeles v. Lyons*, 461 U.S. 95, 102, 103

1 S.Ct. 1660, 1665 (1983); *Valley Forge Christian Coll. v. Ams. United for Separation of Church*
2 *and State, Inc.*, 454 U.S. 464, 471 (1982). If the Court does not have an actual case or
3 controversy before it, it has no power to hear the matter in question. *Id.* Here, this action remains
4 closed following the dismissal for failure to state a claim. The dismissal order is now final. Thus,
5 the Court lacks jurisdiction to consider Plaintiff's request.

6 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for emergency relief and
7 for extension of time, filed February 2, 2015 (Doc. 24), is DENIED for lack of jurisdiction.
8 Plaintiff is not to construe this order as an invitation to submit further filings in this action.

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10 IT IS SO ORDERED.

11 Dated: April 22, 2015



12 SENIOR DISTRICT JUDGE

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