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

MICHAEL NEIL JACOBSEN,  
Plaintiff,  
v.  
PEOPLE OF THE STATE OF  
CALIFORNIA, et al.,  
Defendants.

**Case No. 1:14-cv-00108-JLT (PC)**  
**ORDER DENYING PLAINTIFF’S MOTION  
TO ORDER FRESNO POLICE DEPARTMENT  
TO RETURN HIS BACKPACK FOR LACK OF  
JURISDICTION**  
**(Doc.82)**

Plaintiff is proceeding in this civil rights action pursuant to 42 U.S.C. § 1983 on claims of excessive force, deliberate indifference to his serious medical needs, and retaliation on events that occurred while he was in custody at the Fresno County Jail. On October 18, 2016, Plaintiff filed a motion seeking an order directing the Fresno Police Department (FPD) to transport a backpack that he had with him when he was arrested, to the Fresno County Jail (FCJ) as it contains his documents for this action and to order that, for any future arrests, it be booked with him as “bulk property” at the FCJ. (Doc. 82.)

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 (1983); *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*, 454

1 U.S. 464, 471 (1982). If the Court does not have an actual case or controversy before it, it has no  
2 power to hear the matter in question. *Id.* Requests for prospective relief are further limited by 18  
3 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find  
4 the “relief [sought] is narrowly drawn, extends no further than necessary to correct the violation  
5 of the Federal right, and is the least intrusive means necessary to correct the violation of the  
6 Federal right.”

7       Regardless, the pendency of this action does not give the Court jurisdiction over the FPD,  
8 or over where or how Plaintiff’s property is booked/stored when he is arrested. *Summers v. Earth*  
9 *Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599 F.3d 964, 969 (9th  
10 Cir. 2010). The Court’s jurisdiction is limited to the parties in this action and to the cognizable  
11 legal claims upon which this action is proceeding. *Summers*, 129 S.Ct. at 1148-49; *Mayfield*, 599  
12 F.3d at 969.

13       Plaintiff does not seek the temporary restraining order and/or preliminary injunction  
14 against any of the Defendants in this action. “A federal court may issue an injunction if it has  
15 personal jurisdiction over the parties and subject matter jurisdiction over the claim; *it may not*  
16 *attempt to determine the rights of persons not before the court.*” *Zepeda v. United States*  
17 *Immigration Service*, 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Thus, Plaintiff’s  
18 motion must be denied for lack of jurisdiction over the FPD.

19       The issue is not that Plaintiff’s allegations are not serious, or that Plaintiff is not entitled to  
20 relief if sought in the proper forum. However, Plaintiff’s statements that the FPD will destroy his  
21 backpack and its contents cannot and do not overcome what is a *jurisdictional* bar. *Steel Co.*, 523  
22 U.S. at 103-04 (“[The] triad of injury in fact, causation, and redressability constitutes the core of  
23 Article III’s case-or-controversy requirement, and the party invoking federal jurisdiction bears the  
24 burden of establishing its existence.”) This action is simply not the proper vehicle for conveyance  
25 of the relief Plaintiff seeks.

26       However, Fresno Police Chief and the Fresno County Sheriff are requested to look into  
27 the matter and, if at all possible, to facilitate Plaintiff’s access to his backpack and materials  
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1 contained in it to allow Plaintiff to complete and file responses as required in this action.<sup>1</sup>

2 Accordingly, the Court **ORDERS** that Plaintiff's motion for injunctive relief, filed  
3 October 18, 2016 (Doc. 82), is **DENIED** for lack of jurisdiction. However, the Clerk's Office is  
4 directed to forward a copy of this order and Plaintiff's motion to the Fresno County Sheriff's  
5 Office and the Fresno Police Department that they might take any possible efforts to facilitate  
6 Plaintiff's access to his property as necessary to prosecute this action.

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8 IT IS SO ORDERED.

9 Dated: December 22, 2016

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> How access is best facilitated in light of Plaintiff's housing status and other custody or classification factors is left to the sound discretion of the Fresno Police and County officials.