

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PERRY WASHINGTON, et al, Case No. 1:14-cv-00129-AWI-SAB Plaintiffs, ORDER DENYING PLAINTIFF ANTHONIA WASHINGTON'S MOTION FOR RECONSIDERATION AND MOTION v. TO SEND INVESTIGATOR TO FRESNO FRESNO COUNTY SHERIFF, et al., **COUNTY JAIL** Defendants. (ECF Nos. 8, 9)

On February 18, 2014, an order issued dismissing Plaintiff's first amended complaint for failure to state a claim and denying Plaintiff Anthonia Washington's motions to produce Perry Washington in Federal court, to proceed without Perry Washington's signature, and to compel discovery. (ECF No. 7.) On February 19, 2014, Plaintiff A. Washington filed motions to reconsider the request for production of evidence and a motion for an investigator to be sent to the Fresno County Jail. (ECF Nos. 8, 9.)

Federal courts are courts of limited jurisdiction and in considering a request for 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 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. Id. "[The] triad of injury

in fact, causation, and redressability constitutes the core of Article III's case-or-controversy requirement, and the party invoking federal jurisdiction bears the burden of establishing its existence." Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 103-04, 118 S.Ct. 1003 (1998). Since Plaintiff's complaint has been dismissed there is no case or controversy before the Court upon which relief can be granted.

Further, Plaintiff A. Washington is seeking injunctive relief for alleged violations of Perry Washington's rights. As Plaintiff A. Washington has been advised on several occasions, she does not have standing to bring this action on behalf of Perry Washington. Accordingly Plaintiff's motion for an order to preserve evidence (ECF No. 8), and motion for an investigator (ECF No. 9), filed February 19, 2014, are HEREBY DENIED.

IT IS SO ORDERED.

Dated: **February 21, 2014**

UNITED STATES MAGISTRATE JUDGE