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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TRACY L. STEWART,  
Plaintiff,  
vs.  
K. HOLLAND, et al.,  
Defendants.

1:14-cv-00322-AWI-GSA-PC  
ORDER DENYING MOTION FOR  
PRELIMINARY INJUNCTIVE RELIEF,  
FOR LACK OF JURISDICTION  
(Doc. 8.)

**I. BACKGROUND**

Tracy L. Stewart ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on March 7, 2014. (Doc. 1.) On July 23, 2014, Plaintiff filed a motion for preliminary injunctive relief. (Doc. 8.)

**II. PRELIMINARY INJUNCTIVE RELIEF**

The purpose of a preliminary injunction is to preserve the status quo if the balance of equities so heavily favors the moving party that justice requires the court to intervene to secure the positions until the merits of the action are ultimately determined. University of Texas v.

1 Camenisch, 451 U.S. 390, 395 (1981). A preliminary injunction is available to a plaintiff who  
2 “demonstrates either (1) a combination of probable success and the possibility of irreparable  
3 harm, or (2) that serious questions are raised and the balance of hardship tips in its favor.”  
4 Arcamuzi v. Continental Air Lines, Inc., 819 F. 2d 935, 937 (9th Cir. 1987). Under either  
5 approach the plaintiff “must demonstrate a significant threat of irreparable injury.” Id. Also, an  
6 injunction should not issue if the plaintiff “shows no chance of success on the merits.” Id. At a  
7 bare minimum, the plaintiff “must demonstrate a fair chance of success of the merits, or  
8 questions serious enough to require litigation.” Id.

9 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court  
10 must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95,  
11 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation  
12 of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982); Jones v. City of  
13 Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or  
14 controversy before it, it has no power to hear the matter in question. Id. Thus, “[a] federal  
15 court may issue an injunction [only] if it has personal jurisdiction over the parties and subject  
16 matter jurisdiction over the claim; it may not attempt to determine the rights of persons not  
17 before the court.” Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.  
18 1985).

### 19 **Discussion**

20 Plaintiff is presently incarcerated at California State Prison-Sacramento (CSP-  
21 Sacramento) in Represa, California. Plaintiff seeks a court order requiring prison officials at  
22 CSP-Sacramento to allow him access to the prison law library and provide him with forms to  
23 exhaust his administrative remedies. However, the events at issue in Plaintiff’s Complaint  
24 allegedly occurred in 2013 at California State Prison-Corcoran, California Mens Colony, and  
25 Pelican Bay State Prison, when Plaintiff was incarcerated at those facilities. The order Plaintiff  
26 seeks would require present actions by persons who are not defendants in this action and would  
27 not remedy any of the claims upon which this action proceeds. Therefore, the court lacks  
28 jurisdiction to issue the order sought by Plaintiff, and Plaintiff’s motion must be denied.

1 **III. CONCLUSION**

2 Based on the foregoing, **IT IS HEREBY ORDERED** that Plaintiff's motion for  
3 preliminary injunctive relief, filed on July 23, 2014, is DENIED.

4  
5 IT IS SO ORDERED.

6 Dated: January 9, 2015

/s/ Gary S. Austin  
7 UNITED STATES MAGISTRATE JUDGE