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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DEMETRIUS TERRELL FREEMAN,

12 Plaintiff,

13 vs.

14 A. MARTIN, et al.,

15 Defendants.  
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1:14-cv-00575-LJO-GSA-PC

FINDING AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTIVE RELIEF BE DENIED FOR  
LACK OF JURISDICTION  
(ECF No. 28.)

OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN (14) DAYS

18 **I. BACKGROUND**

19 Demetrius Terrell Freeman (Plaintiff), a federal prisoner proceeding *pro se* pursuant to  
20 Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971), filed the Complaint commencing this  
21 action on April 21, 2014. (ECF No. 1.) On October 31, 2014, the case was dismissed for  
22 Plaintiff's failure to prosecute, and judgment was entered the same day. (ECF No. 12, 13.) On  
23 March 10, 2016, Plaintiff filed a notice of appeal. (ECF No. 19.) On March 3, 2017, this case  
24 was remanded to the district court by the Ninth Circuit Court of Appeals, for a limited purpose.  
25 (ECF No. 25.)

26 On February 23, 2015, Plaintiff filed a request for the court to issue an order requiring  
27 prison officials to return his personal property, which the court construes as a motion for  
28 injunctive relief. (ECF No. 45.)

1 **II. INJUNCTIVE RELIEF --- JURISDICTION**

2 Federal courts are courts of limited jurisdiction and, in considering a request for  
3 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have  
4 before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103  
5 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church  
6 and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an  
7 actual case or controversy before it, it has no power to hear the matter in question. Lyons, 461  
8 U.S. at 102; Valley Forge Christian Coll., 454 U.S. at 471. “A federal court may issue an  
9 injunction [only] if it has personal jurisdiction over the parties and subject matter jurisdiction  
10 over the claim; it may not attempt to determine the rights of persons not before the court.”  
11 Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985).

12 **Discussion**

13 Plaintiff is presently incarcerated at the Federal Correctional Institution in Yazoo City,  
14 Mississippi (FCI-Yazoo). Plaintiff seeks a court order requiring prison staff at FCI-Yazoo to  
15 return his personal property to him. However, the events at issue in Plaintiff’s complaint for  
16 this action allegedly occurred at the United States Penitentiary in Atwater, California (USP-  
17 Atwater), when Plaintiff was incarcerated there.

18 The order Plaintiff seeks would require persons who are not defendants in this action,  
19 and who are not before the court, to act. Therefore, the court lacks jurisdiction to issue the  
20 order sought by Plaintiff, and Plaintiff’s motion should must be denied.

21 **III. CONCLUSION AND RECOMMENDATIONS**

22 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that Plaintiff’s motion  
23 for a court order, filed on April 10, 2017, be DENIED for lack of jurisdiction.

24 These findings and recommendations are submitted to the United States District Judge  
25 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
26 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file  
27 written objections with the court. Such a document should be captioned "Objections to  
28 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file

1 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
2 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
3 (9th Cir. 1991)).

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5 IT IS SO ORDERED.

6 Dated: April 13, 2017

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