

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

## ALTON DEAN,

Plaintiff,

V.

ROBERT SHARFFENBERG, M.D., et al..

## Defendants.

Case No. 1:14-cv-00768 DLB PC

ORDER DENYING PLAINTIFF'S  
MOTION FOR AN ORDER FOR  
IMMEDIATE RELEASE  
[ECF No. 2]

ORDER DENYING MOTION FOR A FULL  
PARDON  
[ECF No. 8]

ORDER DENYING MOTION FOR PRIORITY  
LEGAL USER STATUS  
[ECF No. 11]

Plaintiff Alton Dean (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on May 12, 2014.<sup>1</sup> Pending before the Court are Plaintiff’s motions for preliminary injunctive relief, filed on May 12, 2014, May 21, 2014, and June 4, 2014. Plaintiff’s motions request injunctive relief in the form of court orders for immediate release, a full pardon, and designation as a priority legal user at his prison.

“[T]hose who seek to invoke the jurisdiction of the federal courts must satisfy the threshold requirement imposed by Article III of the Constitution by alleging an actual case or controversy,” City of Los Angeles v. Lyons, 461 U.S. 95, 101, 103 S.Ct. 1660, 1665 (1983) (citations omitted), and for each form of relief sought in federal court, Plaintiff must establish standing, Summers v.

<sup>1</sup> On May 29, 2014, Plaintiff consented to the jurisdiction of the Magistrate Judge.

1 Earth Island Institute, 555 U.S. 488, 493, 129 S.Ct. 1142, 1149 (2009) (citation omitted); Mayfield v.  
2 United States, 599 F.3d 964, 969 (9th Cir. 2010) (citation omitted). This requires Plaintiff to show  
3 that he is under threat of suffering an injury in fact that is concrete and particularized; the threat must  
4 be actual and imminent, not conjectural or hypothetical; it must be fairly traceable to challenged  
5 conduct of the defendant; and it must be likely that a favorable judicial decision will prevent or  
6 redress the injury. Summers, 555 U.S. at 493 (quotation marks and citation omitted); Mayfield, 599  
7 F.3d at 969.

8 In addition, any award of equitable relief is governed by the Prison Litigation Reform Act,  
9 which provides in relevant part, “Prospective relief in any civil action with respect to prison  
10 conditions shall extend no further than necessary to correct the violation of the Federal right of a  
11 particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless  
12 the court finds that such relief is narrowly drawn, extends no further than necessary to correct the  
13 violation of the Federal right, and is the least intrusive means necessary to correct the violation of the  
14 Federal right.” 18 U.S.C. § 3626(a)(1)(A).

15 By separate order, the Court has screened and dismissed the complaint with leave to file an  
16 amended complaint. In light of Plaintiff’s failure to state any claim upon which relief may be  
17 granted, there is no actual case or controversy before the Court at this time, and Court lacks the  
18 jurisdiction to issue the orders sought by Plaintiff. Summers, 555 U.S. at 493; Mayfield, 599 F.3d at  
19 969. Further, assuming that Plaintiff is able to amend to state a claim for violation of the Eighth  
20 Amendment arising from inadequate medical care, the pendency of this action will not entitle  
21 Plaintiff to the issuance of a preliminary injunction aimed at securing release, a full pardon, or his  
22 designation as a priority legal user. Id. The Court’s jurisdiction will be limited to the issuance of  
23 orders that remedy the underlying legal claim. Id.

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## ORDER

Accordingly, Plaintiff's motions for preliminary injunctive relief are HEREBY DENIED for lack of jurisdiction.

IT IS SO ORDERED.

Dated: January 27, 2015

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE