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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY ELL SHEHEE,

Plaintiff,

v.

NGUYEN, et al.,

Defendants.

Case No.: 1:14-cv-01154-LJO-MJS (PC)

**FINDINGS AND RECOMMENDATIONS
TO DENY PLAINTIFF’S MOTION FOR
MISCELLANEOUS RELIEF**

(ECF No. 62)

Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The case proceeds on Plaintiff’s third amended complaint against Defendants Audrey Long, April Leavens, Long Moua, and Kim Nguyen for denying Plaintiff a cane and access to educational services in violation of the Americans with Disabilities Act (“ADA”) and the Eighth Amendment of the United States Constitution. (ECF No. 34.)

Plaintiff is currently detained in the Fresno County Jail (ECF No. 13) but complains of acts that occurred at Coalinga State Hospital in Coalinga, California. On March 15, 2017, Plaintiff filed a notice with the Court complaining that various officials had confiscated Plaintiff’s legal documents in retaliation for the filing of his lawsuit. (ECF No. 62.) Plaintiff does not specify the institution these officials are affiliated with. None of

1 the officials listed are named Defendants in this lawsuit. While Plaintiff does not state
2 exactly what relief he seeks from the Court, the Court construes this notice as a motion
3 for injunctive relief, to wit, the return of his legal documents.

4 Federal courts are courts of limited jurisdiction. The pendency of this action does
5 not give the Court jurisdiction over state officials in general or over the relief requested in
6 Plaintiff's motion that is not the subject of the operative complaint. Summers v. Earth
7 Island Institute, 555 U.S. 488, 492-93 (2009); Mayfield v. United States, 599 F.3d 964,
8 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties in this action and to
9 the cognizable legal claims upon which this action is proceeding. Summers, 555 U.S. at
10 491-93; Mayfield, 599 F.3d at 969. Generally, it is appropriate to grant in a preliminary
11 injunction "intermediate relief of the same character as that which may be granted
12 finally." De Beers Consol. Mines v. U.S., 325 U.S. 212, 220 (1945). A court should not
13 issue an injunction when the relief sought is not of the same character as the relief
14 sought, and the injunction deals with a matter lying wholly outside the issues in the
15 underlying action. Id. Moreover, "[a] federal court may issue an injunction if it has
16 personal jurisdiction over the parties and subject matter jurisdiction over the claim; *it may*
17 *not attempt to determine the rights of persons not before the court.*" Zepeda v. United
18 States Immigration Serv., 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Thus,
19 Plaintiff's motion must be denied because the Court lacks personal jurisdiction over the
20 individuals responsible for confiscating his property and the requested relief is not of the
21 same character as that requested in Plaintiff's complaint. To the extent Plaintiff believes
22 the listed officials have wrongfully deprived Plaintiff of his property, that is a matter for a
23 different lawsuit.

24 Plaintiff has previously been advised that the pendency of his action does not give
25 the Court jurisdiction over any and all potential claims Plaintiff may have against state
26 officials. This order serves as Plaintiff's final reminder that he may not seek relief outside
27 of the scope of that requested in his lawsuit.

28 Accordingly, it is HEREBY RECOMMENDED that:

1 1. Plaintiff's motion for miscellaneous relief (ECF No. 62) be DENIED.

2 These Findings and Recommendations will be submitted to the United States
3 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
4 636(b)(1). Within **fourteen (14) days** after being served with these Findings and
5 Recommendations, the parties may file written objections with the Court. The document
6 should be captioned "Objections to Magistrate Judge's Findings and Recommendations."
7 The parties are advised that failure to file objections within the specified time may result
8 in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
9 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

10 IT IS SO ORDERED.

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12 Dated: May 5, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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