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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSE J. PULIDO,

12 Plaintiff,

13 vs.

14 M. LUNES, et al.,

15 Defendants.
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1:14-cv-01174-GSA-PC

ORDER DENYING MOTION FOR
PRELIMINARY INJUNCTIVE RELIEF
(Doc. 8.)

18 **I. BACKGROUND**

19 Jose J. Pulido ("Plaintiff") is a state prisoner, proceeding pro se and in forma pauperis
20 with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
21 commencing this action on July 28, 2014. (Doc. 1.) On August 15, 2014, Plaintiff consented
22 to the jurisdiction of a Magistrate Judge in this action pursuant to 28 U.S.C. § 636(c), and no
23 other parties have made an appearance. (Doc. 7.) Therefore, pursuant to Appendix A(k)(4) of
24 the Local Rules of the Eastern District of California, the undersigned shall conduct any and all
25 proceedings in the case until such time as reassignment to a District Judge is required. Local
26 Rule Appendix A(k)(3).

27 On November 20, 2014, Plaintiff filed a motion for preliminary injunctive relief. (Doc.
28 8.)

1 **II. PRELIMINARY INJUNCTIVE RELIEF**

2 “A preliminary injunction is an extraordinary remedy never awarded as of right.”
3 Winter v. Natural Resources Defense Council, Inc., 129 S.Ct. 365, 376 (2008) (citation
4 omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to
5 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
6 relief, that the balance of equities tips in his favor, and that an injunction is in the public
7 interest.” Id. at 374 (citations omitted). An injunction may only be awarded upon a *clear*
8 *showing* that the plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

9 Federal courts are courts of limited jurisdiction and in considering a request for
10 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary
11 matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S.
12 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for
13 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the
14 Court does not have an actual case or controversy before it, it has no power to hear the matter
15 in question. Id. Requests for prospective relief are further limited by 18 U.S.C. §
16 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find the
17 “relief [sought] is narrowly drawn, extends no further than necessary to correct the violation of
18 the Federal right, and is the least intrusive means necessary to correct the violation of the
19 Federal right.”

20 Plaintiff requests a court order barring prison officials at the Substance Abuse
21 Treatment Facility (SATF) in Corcoran, California, from retaliating against him by transferring
22 him to another institution, until after this case is resolved.

23 Plaintiff’s motion for injunctive relief against prison officials at SATF must be denied
24 because such relief would not remedy any of the claims in Plaintiff’s Complaint. The events at
25 issue in Plaintiff’s Complaint allegedly occurred in 2010, when prison officials failed to protect
26 Plaintiff from an identified threat to his safety. Because a court order barring future conduct by
27 prison officials would not remedy any of the claims based on past conduct upon which this

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1 action proceeds, the court lacks jurisdiction to issue such an order, and Plaintiff's motion must
2 be denied.

3 **III. CONCLUSION**

4 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for
5 preliminary injunctive relief, filed on November 20, 2014, is DENIED.

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7 IT IS SO ORDERED.

8 Dated: December 1, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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