

1 Federal courts are courts of limited jurisdiction and in considering a request for preliminary
2 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it
3 an actual case or controversy. City of L.A. v. Lyons, 461 U.S. 95, 102 (1983); Valley Forge Christian
4 Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982). If the Court
5 does not have an actual case or controversy before it, it has no power to hear the matter in question.
6 Id. “[The] triad of injury in fact, causation, and redressability constitutes the core of Article III’s case-
7 or-controversy requirement, and the party invoking federal jurisdiction bears the burden of
8 establishing its existence.” Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 103-04. Requests for
9 prospective relief are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform
10 Act, which requires that the Court find the “relief [sought] is narrowly drawn, extends no further than
11 necessary to correct the violation of the Federal right, and is the least intrusive means necessary to
12 correct the violation of the Federal right.”

13 This action is proceeding against Defendants Lopez, Germond, Rodriguez, Vogel, Jones,
14 Cano, Marshall, Cruz, Tucker, Mauldin, Maita, and Dynsinki regarding conditions of confinement in
15 violation of the Eighth Amendment. In the instant motion, Plaintiff contends he has repeatedly
16 received his legal mail from this Court already open. Injunctive relief may not be based on First
17 Amendment mail interference, which appears nowhere in the complaint. A “request for injunctive
18 relief by itself does not state a cause of action and is properly raised as a separate motion.” Mbaba v.
19 Indymac Federal Bank F.S.B., 2010 WL 424363, at *4 (E.D. Cal. 2010). “An injunction is a remedy,
20 not a separate claim or cause of action. A pleading can ... request injunctive relief in connection with
21 a substantive claim, but a separately pled claim or cause of action for injunctive relief is inappropriate.
22 Jensen v. Quality Loan Service Corp., 702 F.Supp.2d 1183, 1201 (E.D. Cal. 2010). Because Plaintiff
23 is not proceeding on a claim of interference with his legal mail, the Court lacks jurisdiction to issue the
24 order sought by Plaintiff, and his motion must be denied.

25 II.

26 RECOMMENDATION

27 Based on the foregoing, IT IS HEREBY RECOMMENDED that Plaintiff’s motion for
28 injunctive relief, filed October 23, 2015, be DENIED.

1 This Findings and Recommendation will be submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30) days**
3 after being served with these Findings and Recommendation, Plaintiff may file written objections with
4 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
5 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may
6 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
7 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

8
9 IT IS SO ORDERED.

10 Dated: November 24, 2015


UNITED STATES MAGISTRATE JUDGE