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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SEAVON PIERCE,
Plaintiff,
v.
PRESIDENT BARACK OBAMA, et al.,
Defendants.

Case No. 1:15-cv-00650 LJO DLB PC
FINDINGS AND RECOMMENDATION
REGARDING MOTION FOR INJUNCTIVE
RELIEF
[ECF No. 23]

Plaintiff Seavon Pierce (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on November 12, 2014, in the Sacramento Division of the United States District Court for the Eastern District of California. The matter was designated as a civil rights action. Plaintiff filed a First Amended Complaint on December 9, 2014. He filed a Second Amended Complaint on December 15, 2014. On April 28, 2015, the case was transferred to the Fresno Division. By separate order, the Court has screened and dismissed the Second Amended Complaint, with leave to file a Third Amended Complaint.

On September 28, 2015, Plaintiff filed a motion for injunctive relief. Plaintiff asks that the Court enjoin Defendants from obstructing justice, illegally confiscating mail, and concealing evidence.

A preliminary injunction is an extraordinary remedy never awarded as of right. Winter v.

1 Natural Resources Defense Council, Inc., 555 U.S. 7, 24 (2008) (citation omitted). For each
2 form of relief sought in federal court, Plaintiff must establish standing. Summers v. Earth Island
3 Institute, 555 U.S. 488, 493 (2009) (citation omitted); Mayfield v. United States, 599 F.3d 964,
4 969 (9th Cir. 2010) (citation omitted). This requires Plaintiff to show that he is under threat of
5 suffering an injury in fact that is concrete and particularized; the threat must be actual and
6 imminent, not conjectural or hypothetical; it must be fairly traceable to challenged conduct of the
7 defendant; and it must be likely that a favorable judicial decision will prevent or redress the
8 injury. Summers, 555 U.S. at 493 (quotation marks and citation omitted); Mayfield, 599 F.3d at
9 969. Further, any award of equitable relief is governed by the Prison Litigation Reform Act,
10 which provides in relevant part, “Prospective relief in any civil action with respect to prison
11 conditions shall extend no further than necessary to correct the violation of the Federal right of a
12 particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief
13 unless the court finds that such relief is narrowly drawn, extends no further than necessary to
14 correct the violation of the Federal right, and is the least intrusive means necessary to correct the
15 violation of the Federal right.” 18 U.S.C. § 3626(a)(1)(A).

16 Plaintiff’s Second Amended Complaint has been screened and dismissed by separate
17 order. Until Plaintiff files an Amended Complaint raising claims which are cognizable and
18 appropriately raised in this action, the Court lacks jurisdiction to issue any preliminary
19 injunctions. 18 U.S.C. § 3626(a)(1)(A); Summers, 555 U.S. at 493; Mayfield, 599 F.3d at 969.

20 **RECOMMENDATION**

21 For the reasons set forth above, IT IS HEREBY RECOMMENDED that Plaintiff’s
22 motion for preliminary injunction be DENIED.

23 These Findings and Recommendations are submitted to the United States District Judge
24 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty (30)
25 days after being served with these Findings and Recommendations, any party may file written
26 objections with the Court and serve a copy on all parties. Such a document should be captioned
27 “Objections to Magistrate Judge's Findings and Recommendations.” Any reply to the objections
28 shall be served and filed within ten (10) days after service of the objections. The parties are

1 advised that failure to file objections within the specified time may waive the right to appeal the
2 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir.1991).

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4 IT IS SO ORDERED.

5 Dated: October 5, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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