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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RASHEED HILSON, SR.,
Plaintiff,
v.
JESSE ARNETT, et al.,
Defendants.

Case No. 1:15-cv-01240-DAD-MJS (PC)

**ORDER REQUESTING ASSISTANCE
OF CCI LITIGATION COORDINATOR
IN FACILITATING PLAINTIFF’S LAW
LIBRARY ACCESS**

**FINDINGS AND RECOMMENDATION
TO DENY PLAINTIFF’S REQUEST FOR
AN ORDER DIRECTING ACCESS TO
THE LAW LIBRARY**

(ECF No. 51)

**FOURTEEN DAY OBJECTION
DEADLINE**

**CLERK TO SERVE COPY OF THIS
ORDER ON CCI LITIGATION
COORDINATOR**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The case proceeds against Defendants Arnett, Gamboa, Potzemitz, Flores, and Jane Doe for excessive force and Defendant CL Marsh for failure to protect, all in violation of the Eighth Amendment. (ECF No. 18.) All of Plaintiff’s claims arose while he was housed at California State Prison, Corcoran (“CSP-COR”). (ECF No. 16.)

1 **I. Procedural Background**

2 Plaintiff is currently incarcerated at California Correctional Institution (“CCI”) in
3 Tehachapi, California, but brings claims for acts arising at CSP-COR. On August 16,
4 2017, Plaintiff filed a motion requesting a Court order to allow Plaintiff monthly access to
5 the law library. (ECF No. 51.) This motion is construed as seeking injunctive relief
6 directing action by a non-party.

7 **II. Discussion**

8 Plaintiff asks the Court to order that he be provided monthly access to the prison
9 law library to enable him to conduct discovery in this case.

10 Federal courts are courts of limited jurisdiction. The pendency of this action does
11 not give the Court jurisdiction over prison officials in general or enable it to provide
12 relief that is not the subject of the operative complaint. Summers v. Earth Island
13 Institute, 555 U.S. 488, 492-93 (2009); Mayfield v. United States, 599 F.3d 964, 969
14 (9th Cir. 2010). The Court’s jurisdiction is limited to the parties in this action and to the
15 cognizable legal claims upon which the action proceeds. Summers, 555 U.S. at 491-93;
16 Mayfield, 599 F.3d at 969. A court should not issue an injunction when the relief sought
17 is not of the same character as that sought in the underlying action and the injunction
18 deals with a matter lying wholly outside the issues in the underlying action. De Beers
19 Consol. Mines v. U.S., 325 U.S. 212, 220 (1945). Moreover, while “[a] federal court
20 may issue an injunction if it has personal jurisdiction over the parties and subject matter
21 jurisdiction over the claim; *it may not attempt to determine the rights of persons not*
22 *before the court.*” Zepeda v. United States Immigration Serv., 753 F.2d 719, 727 (9th
23 Cir. 1985) (emphasis added).

24 Thus, here Plaintiff’s motion must be denied because the Court lacks personal
25 jurisdiction over officials at CCI and, in any event, the requested relief is not of the same
26 character as that requested in Plaintiff’s complaint.

27 Nevertheless, the Court is cognizant that Plaintiff’s ability to access the law
28

1 library may impact his ability to timely and effectively litigate this action. Accordingly, the
2 Court will request the assistance of the Litigation Coordinator at CCI in ensuring that
3 Plaintiff is afforded adequate opportunities to access the law library, to the extent doing
4 so is consistent with institutional order and security. See Whitley v. Albers, 475 U.S.
5 312, 321-322 (1986) (quoting Bell v. Wolfish, 441 U.S. 520, 547 (1970)). The Clerk's
6 Office will be directed to serve a copy of this order on the Litigation Coordinator.

7 **III. Conclusion, Order, and Recommendation**

8 Based on the foregoing, it is HEREBY ORDERED that:

- 9
- 10 1. The Clerk's Office shall serve a copy of this document on the Litigation
Coordinator at CCI; and
 - 11 2. The Litigation Coordinator's assistance is requested in facilitating Plaintiff's
12 access to the law library; and

13 Further, it is HEREBY RECOMMENDED that:

- 14 3. Plaintiff's motion for an order directing CCI to provide Plaintiff with access to
15 the law library (ECF No. 51) be DENIED for lack of jurisdiction.

16 The Court's findings and recommendation will be submitted to the United States
17 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C.
18 § 636(b)(1). Within **fourteen (14) days** after being served with these findings and
19 recommendation, the parties may file written objections with the Court. The document
20 should be captioned "Objections to Magistrate Judge's Findings and Recommendation."
21 The parties are advised that failure to file objections within the specified time may result
22 in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
23 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

24
25 IT IS SO ORDERED.

26
27 Dated: September 10, 2017

1s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE