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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 MARIO MOLINA,

12 Plaintiff,

13 vs.

14 K. HOLLAND, et al.,

15 Defendants.
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1:15-cv-01260-EPG-PC

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTIVE RELIEF
(ECF No. 4.)

17 **I. BACKGROUND**

18 Plaintiff, Mario Molina ("Plaintiff"), is a state prisoner proceeding *pro se* and *in forma*
19 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the
20 Complaint commencing this action on August 17, 2015. (ECF No. 1.) On September 2, 2015,
21 Plaintiff consented to the jurisdiction of a United States Magistrate Judge, and no other party
22 has appeared in this action. (ECF No. 8.) Therefore, pursuant to Appendix A(k)(4) of the
23 Local Rules of the Eastern District of California, the undersigned shall conduct any and all
24 proceedings in the case until such time as reassignment to a District Judge is required. Local
25 Rule Appendix A(k)(3).

26 On August 17, 2015, Plaintiff filed a request for an "Order to Show Cause for an (*sic*)
27 Preliminary Injunction and Temporary Restraining Order," which the Court construes as a
28 motion for preliminary injunctive relief. (ECF No. 4.)

1 **II. PRELIMINARY INJUNCTIVE RELIEF**

2 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed
3 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,
4 that the balance of equities tips in his favor, and that an injunction is in the public interest.” Id.
5 at 374 (citations omitted). An injunction may only be awarded upon a *clear showing* that the
6 plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

7 Federal courts are courts of limited jurisdiction and in considering a request for
8 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary
9 matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S.
10 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for
11 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the
12 Court does not have an actual case or controversy before it, it has no power to hear the matter
13 in question. Id.

14 Plaintiff has requested a court order enjoining the defendants from denying Plaintiff
15 proper medical care, enjoining defendants El Said and Dr. Wilson from retaliating against
16 Plaintiff for filing a staff complaint against defendant Rivera, and requiring defendants
17 Holland, Rivera, Gutierrez, and Jones to release Plaintiff from administrative segregation and
18 transfer him to an institution near the eye specialist who has offices in Bakersfield and Los
19 Angeles.

20 The defendants named in Plaintiff’s Complaint are employees at the California
21 Correctional Institution (CCI) in Tehachapi, California. However, according to Plaintiff’s
22 address of record at the Court, Plaintiff is now housed at Corcoran State Prison (CSP) in
23 Corcoran, California.¹ Because Plaintiff is no longer subjected to the actions of employees at
24 CCI, his motion for a court order prohibiting or requiring those employees’ actions is moot.
25 Where the prisoner is challenging conditions of confinement and is seeking injunctive relief,
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27 ¹On September 25, 2015, Plaintiff filed a Notice of Change of Address, changing his address from CCI to
28 CSP. (ECF No. 9.)

1 transfer to another prison renders the request for injunctive relief moot absent some evidence of
2 an expectation of being transferred back. See Preiser v. Newkirk, 422 U.S. 395, 402-03 (1975);
3 Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991) (per curiam); see also Andrews v.
4 Cervantes, 493 F.3d 1047, 1053 n.5 (9th Cir. 2007).

5 Note that this order does not preclude other forms of relief, such as damages, as
6 requested in Plaintiff's complaint.

7 **III. CONCLUSION**

8 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion for
9 preliminary injunctive relief, filed on August 17, 2015, is DENIED.

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11 IT IS SO ORDERED.

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13 Dated: October 30, 2015

14 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE