

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 JEREMY JONES,

12 Plaintiff,

13 vs.

14 ARNETTE, et al.,

15 Defendants.  
16  
17

**1:16-cv-01212-DAD-GSA-PC**

**FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTIVE  
RELIEF BE DENIED  
(ECF No. 62.)**

**OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN DAYS**

18 **I. BACKGROUND**

19 Jeremy Jones ("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 and the Americans with Disabilities Act  
21 (ADA), 42 U.S.C. § 12132.

22 On January 21, 2021, Plaintiff filed a document titled "Notice to the Court and Motion to  
23 Compel," in which he requests the court to compel officials at Kern Valley State Prison (KVSP)  
24 to provide him access to five boxes of legal property that he needs to litigate this case. (ECF No.  
25 62.) The court construes Plaintiff's motion as a motion for preliminary injunctive relief.

26 **II. PRELIMINARY INJUNCTIVE RELIEF**

27 "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed  
28 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that

1 the balance of equities tips in his favor, and that an injunction is in the public interest.” Id. at  
2 374 (citations omitted). An injunction may only be awarded upon a *clear showing* that the  
3 plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

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

### 10 **III. PLAINTIFF’S MOTION**

11 Plaintiff requests a court order compelling prison officials at KVSP to give him access to  
12 the boxes of his legal property that are in storage because he is not allowed more than six cubic  
13 feet of property in his cell.

#### 14 **Analysis**

15 It appears from Plaintiff’s request that the documents he wishes to access are at KVSP.  
16 If so, the court lacks jurisdiction to issue the order Plaintiff seeks. The court cannot issue an  
17 order compelling officials at KVSP to act because the court lacks personal jurisdiction over them.  
18 “A federal court may issue an injunction if it has personal jurisdiction over the parties and subject  
19 matter jurisdiction over the claim; [however] it may not attempt to determine the rights of persons  
20 not before the court.” See Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th  
21 Cir. 1985). Here, Plaintiff filed his case against defendants at California State Prison-Los  
22 Angeles County in Lancaster, California (CSP-Lancaster) for events occurring when Plaintiff  
23 was incarcerated there. Plaintiff is now at KVSP, but KVSP officials are not currently before the  
24 court in this case. Therefore, Plaintiff’s request for the court to issue an order for KVSP officials  
25 to provide him documents must be denied.

### 26 **IV. CONCLUSION AND RECOMMENDATIONS**

27 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that Plaintiff’s motion for  
28 preliminary injunctive relief, filed on January 21, 2021, be DENIED.

