



1 intrusive means necessary to correct the violation of the Federal Right.”

2 Similarly, the pendency of this action does not give the Court jurisdiction over prison  
3 officials in general or over Plaintiff’s litigation issues. *Summers v. Earth Island Institute*, 555  
4 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010). The  
5 Court’s jurisdiction is limited to the parties in this action and to the cognizable legal claims upon  
6 which this action is proceeding. *Summers*, 555 U.S. at 492-93; *Mayfield*, 599 F.3d at 969. The  
7 Court cannot order the California Department of Corrections to transfer Plaintiff to another  
8 facility.

9 Plaintiff is not precluded from attempting to state cognizable claims in a new action if he  
10 believes his civil rights are being violated beyond his pleadings in this action. The issue is not  
11 that Plaintiff’s allegations are not serious, or that Plaintiff is not entitled to relief if sought in the  
12 proper forum. The seriousness of Plaintiff’s accusations concerning his ability to pursue legal  
13 matters on his own behalf cannot and do not overcome what is a *jurisdictional* bar. *Steel Co.*, 523  
14 U.S. at 103-04 (“[The] triad of injury in fact, causation, and redressability constitutes the core of  
15 Article III’s case-or-controversy requirement, and the party invoking federal jurisdiction bears the  
16 burden of establishing its existence.”) This action is simply not the proper vehicle for  
17 conveyance of the relief Plaintiff seeks.<sup>1</sup> However, the Litigation Office is requested to look into  
18 the matter to facilitate Plaintiff’s access to writing materials provided for indigent inmates as well  
19 as his access to the law library and other legal resources to the extent necessary to allow Plaintiff  
20 to pursue his pending legal actions.<sup>2</sup>

21 Accordingly, the Court **HEREBY RECOMMENDS** that Plaintiff’s motion for injunctive  
22 relief, filed on November 28, 2016, (Doc. 11), be **DENIED** for lack of jurisdiction; and the Clerk  
23 of the Court is directed to forward a copy of this order and Plaintiff’s motion to the Litigation  
24 Office at California State Prison, Corcoran.

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26 <sup>1</sup> Plaintiff’s motion also fails to make the requisite showing, supported by admissible evidence, to obtain a  
27 preliminary injunction. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20-4, 129 S.Ct. 365, 376  
28 (2008). However, it is not necessary to reach the merits of Plaintiff’s motions in light of the fact that the  
jurisdictional issue is fatal to his requests for relief. *Summers*, 555 U.S. at 493, 129 S.Ct. at 1149; *Mayfield*, 599 F.3d  
at 969.

<sup>2</sup> How access is best facilitated in light of Plaintiff’s housing status and other custody or classification factors is  
left to the sound discretion of prison officials.

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These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within 30 days** after being served with these Findings and Recommendations, the parties may file written objections with the Court. Local Rule 304(b). The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **June 6, 2017**

/s/ Sheila K. Overt  
UNITED STATES MAGISTRATE JUDGE