

1 does not have an actual case or controversy before it, it has no power to hear the matter in
2 question. *Id.* Requests for prospective relief are further limited by 18 U.S.C. § 3626 (a)(1)(A) of
3 the Prison Litigation Reform Act, which requires that the Court ensure the relief “is narrowly
4 drawn, extends no further than necessary to correct the violation of the Federal Right, and is the
5 least intrusive means necessary to correct the violation of the Federal Right.” Relief for Plaintiff
6 cannot be narrowly drawn here as Plaintiff fails to state what relief he seeks.

7 Finally, Plaintiff does not seek the temporary restraining order and/or preliminary
8 injunction against the Defendants in this action. “A federal court may issue an injunction [only] if
9 it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; *it may*
10 *not attempt to determine the rights of persons not before the court.*” *Zepeda v. United States*
11 *Immigration Service*, 753 F.2d 719, 727 (9th Cir. 1985) (emphasis added). Thus, Plaintiff’s
12 motion must be denied for lack of jurisdiction over the subject matter and persons who Plaintiff
13 asserts are antagonizing and even assaulting him.

14 Plaintiff is not precluded from attempting to state cognizable claims in a new action if he
15 believes his civil rights are being violated beyond his pleadings in this action. The issue is not
16 that Plaintiff’s allegations are not serious, or that Plaintiff is not entitled to relief if sought in the
17 proper forum. The seriousness of Plaintiff’s accusations concerning his anxiety and sexual assault
18 cannot and do not overcome what is a *jurisdictional* bar. *Steel Co.*, 523 U.S. at 103-04 (“[The]
19 triad of injury in fact, causation, and redressability constitutes the core of Article III’s case-or-
20 controversy requirement, and the party invoking federal jurisdiction bears the burden of
21 establishing its existence.”) This action is simply not the proper vehicle for conveyance of the
22 relief Plaintiff seeks.¹ However, given the seriousness of Plaintiff’s statements, a copy of this
23 order and Plaintiff’s motion will be served on the Executive Director of Coalinga State Hospital
24 to assist with addressing Plaintiff’s concerns.²

25 ¹ Plaintiff’s motion also fails to make the requisite showing, supported by admissible evidence, to obtain a
26 preliminary injunction. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20-4, 129 S.Ct. 365, 376
27 (2008). However, it is unnecessary 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.

28 ² The manner of addressing Plaintiff’s concerns is left to the sound discretion of CSH officials in light of his
housing status and other custody or classification factors.

1 Accordingly, the Court RECOMMENDS that Plaintiff's motion for injunctive relief, filed
2 on September 30, 2016 (Doc. 4), be DENIED for lack of jurisdiction. However, the Clerk's
3 Office be directed to forward a copy of this order and Plaintiff's motion (Doc. 4) to the Executive
4 Director at Coaling State Hospital to alert hospital officials of Plaintiff's concerns.

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

13
14 IT IS SO ORDERED.

15 Dated: October 11, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE