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6	UNITED STATES DISTRICT COURT	
7	EASTERN DISTRICT OF CALIFORNIA	
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10	PERRY TALLEY,	Case No. 1:16-cv-01422-SKO (PC)
11	Plaintiff,	FINDINGS AND RECOMMENDATIONS TO DENY PLAINTIFF'S MOTION REGARDING HIS
12	v.	INMATE TRUST ACCOUNT FOR LACK OF JURISDICTION
13	PATEL, et al.,	(Doc. 12)
14	Defendants.	TWENTY-ONE (21) DAY DEADLINE
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17	Plaintiff, Perry Talley, is a state prisoner proceeding pro se and informa pauperis in this	
18	civil action pursuant to 42 U.S.C. § 1983. On July 7, 2017, Plaintiff filed a motion seeking an	
19	order to prohibit the California Department of Corrections and Rehabilitation from overcharging	
20	him and to pay back monies wrongly taken from his inmate trust account. (Doc. 12.) Plaintiff's	
21	motion is construed as a motion for injunctive relief.	
22	Federal courts are courts of limited jurisdiction and in considering a request for	
23	preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it	
24	have before it an actual case or controversy. <i>City of Los Angeles v. Lyons</i> , 461 U.S. 95, 102, 103	
25	S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church	
26	and State, Inc., 454 U.S. 464, 471 (1982). If the Court does not have an actual case or	
27	controversy before it, it has no power to hear the matter in question. Id. Requests for prospective	
28	relief are further limited by 18 U.S.C. § 3	3626(a)(1)(A) of the Prison Litigation Reform Act, which
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requires that the Court find the "relief [sought] is narrowly drawn, extends no further than
 necessary to correct the violation of the Federal right, and is the least intrusive means necessary to
 correct the violation of the Federal right."

Further, the pendency of this action does not give the Court jurisdiction over prison
officials in general. *Summers v. Earth Island Institute*, 555 U.S. 488, 492-93 (2009); *Mayfield v. United States*, 599 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties
in this action and to the cognizable legal claims upon which this action is proceeding. *Summers*,
555 U.S. at 492-93; *Mayfield*, 599 F.3d at 969.

Plaintiff does not seek the temporary restraining order and/or preliminary injunction 9 against any of the Defendants against whom he proceeds in this action. "A federal court may 10 issue an injunction [only] if it has personal jurisdiction over the parties and subject matter 11 jurisdiction over the claim; it may not attempt to determine the rights of persons not before the 12 court." Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir. 1985) 13 (emphasis added). Thus, Plaintiff's motion must be denied for lack of jurisdiction over the 14 "CDCR" whom Plaintiff states should stop making withdrawals from his trust account and must 15 repay monies Plaintiff believes were wrongly withdrawn. 16

Plaintiff is not precluded from attempting to state cognizable claims in a new action if he 17 believes his rights are being violated beyond the pleadings in this action. The issue is not that 18 Plaintiff's allegations are not serious, or that Plaintiff is not entitled to relief sought in the proper 19 forum. However, Plaintiff's accusations that monies are being wrongfully and excessively 20 withdrawn from his trust account to pay this Court cannot and do not overcome what is a 21 jurisdictional bar. Steel Co., 523 U.S. at 103-04 ("[The] triad of injury in fact, causation, and 22 redressability constitutes the core of Article III's case-or-controversy requirement, and the party 23 invoking federal jurisdiction bears the burden of establishing its existence.") This action is 24 simply not the proper vehicle for Plaintiff's requested relief.¹ 25

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¹ Plaintiff's motion also fails to make the requisite showing, supported by admissible evidence, to obtain a preliminary injunction. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20-4, 129 S.Ct. 365, 376 (2008). It is, however, unnecessary to reach the merits of Plaintiff's motions in light of the jurisdictional bar to his requested relief. *Summers*, 555 U.S. at 493, 129 S.Ct. at 1149; *Mayfield*, 599 F.3d at 969.

Further, the Court's financial records correspond with the supervisor's statement in the documents Plaintiff submitted in that, as of July 12, 2017, the Court has received payments totaling \$297.77 toward his filing fee in this action. Given Plaintiff's confusion regarding this issue and the lack of clarity of the "Inmate Obligation History" submitted by Plaintiff, the Litigation Office is requested to look into the matter and explain the various entries on that printout to Plaintiff.²

Based on the foregoing, the Court HEREBY RECOMMENDS that Plaintiff's motion
regarding his trust account, filed July 7, 2017, be denied for lack of jurisdiction. The Clerk's
Office is directed to forward a copy of this order and Plaintiff's motion to the Litigation
Coordinator at California State Prison, Los Angeles, to assist with explaining the withdrawals
from his trust account to Plaintiff. The Clerk of the Court is further directed to assign a District
Judge to this action.

These Findings and Recommendations will be submitted to the United States District 13 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within 14 twenty-one (21) days after being served with these Findings and Recommendations, the parties 15 may file written objections with the Court. Local Rule 304(b). The document should be 16 captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are 17 advised that failure to file objections within the specified time may result in the waiver of rights 18 on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 19 923 F.2d 1391, 1394 (9th Cir. 1991)). 20

11 IS SO ORDERED.

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23 Dated: August 17, 2017

1s1. Sheila . K. Oberto

UNITED STATES MAGISTRATE JUDGE

 ² 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.