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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TONY ASBERRY,  
Plaintiff,  
v.  
C.RELEVANTE, et al.,  
Defendants.

Case No. 1:16-cv-01741-DAD-MJS (PC)

**ORDER GRANTING REQUEST FOR  
CLARIFICATION**

**FINDINGS AND RECOMMENDATION  
TO DENY MOTION TO HAVE  
MEANINGFUL ACCESS TO COURT**

**(ECF NO. 59)**

**CLERK TO SEND COPY OF THIS  
ORDER TO LITIGATION  
COORDINATOR AT PLAINTIFF'S  
INSTITUTION**

**FOURTEEN (14) DAY OBJECTION  
DEADLINE**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. The action proceeds on the following claims: an Eighth Amendment claim for deliberate indifference to a serious medical need against defendants Lozovoy and Relevante, an Eighth Amendment conditions of confinement claim against defendants Ferris and Godfrey, and a First Amendment retaliation claim against defendants Ferris and Godfrey.

Before the Court is Plaintiff's August 25, 2017, "Motion to Have Meaningful

1 Access to Court, to Conduct Discovery.” (ECF No. 59.) Plaintiff asks for clarification as  
2 to whether he can begin discovery. He also requests assistance making copies of his  
3 discovery requests, by way of a court order requiring the prison to provide him PLU  
4 status or other assistance making copies, or some other means.

5 To the extent Plaintiff requests clarification of the Court’s discovery and  
6 scheduling order, his request is granted. Pursuant to Federal Rule of Civil Procedure  
7 26(d), Plaintiff is authorized by the Court’s discovery and scheduling order to engage in  
8 discovery. Plaintiff is reminded that discovery closes on April 18, 2018, and he must  
9 serve his discovery requests upon Defendants at least 45 days prior to that date. (See  
10 ECF No. 53.)

11 To the extent Plaintiff requests court orders directed at officials at his present  
12 institution, the Court reiterates the analysis it has provided Plaintiff in regard to other,  
13 similar requests. (See ECF Nos. 62, 64.)

14 Federal courts are courts of limited jurisdiction. The pendency of this action does  
15 not give the Court jurisdiction over prison officials in general or enable it to provide  
16 relief that is not the subject of the operative complaint. Summers v. Earth Island  
17 Institute, 555 U.S. 488, 492-93 (2009); Mayfield v. United States, 599 F.3d 964, 969  
18 (9th Cir. 2010). The Court’s jurisdiction is limited to the parties in this action and to the  
19 cognizable legal claims upon which the action proceeds. Summers, 555 U.S. at 491-93;  
20 Mayfield, 599 F.3d at 969. A court should not issue an injunction when the relief sought  
21 is not of the same character as that sought in the underlying action and the injunction  
22 deals with a matter lying wholly outside the issues in the underlying action. De Beers  
23 Consol. Mines v. U.S., 325 U.S. 212, 220 (1945). Moreover, while “[a] federal court  
24 may issue an injunction if it has personal jurisdiction over the parties and subject matter  
25 jurisdiction over the claim; *it may not attempt to determine the rights of persons not*  
26 *before the court.*” Zepeda v. United States Immigration Serv., 753 F.2d 719, 727 (9th  
27 Cir. 1985) (emphasis added).  
28

1 Here, Plaintiff's claims concern his medical treatment and conditions of  
2 confinement at Kern Valley State Prison. However, he now is housed at R.J. Donovan  
3 Correctional Facility and is not in the custody of the named Defendants. It would not  
4 appear that any Defendants could take any action with respect to Plaintiff's ability to  
5 make copies of his discovery requests. Furthermore, Plaintiff's present requests are  
6 outside the scope of the claims upon which the action proceeds. Plaintiff's motion for  
7 court orders directed at Donovan officials should be denied.

8 Nevertheless, the Court is cognizant that Plaintiff's ability to access the law  
9 library may impact his ability to timely and effectively litigate this action. Accordingly, the  
10 Court will, by way of this order, request the assistance of the Litigation Coordinator at  
11 Plaintiff's institution in ensuring that Plaintiff is afforded adequate opportunities to  
12 access the library, to the extent doing so is consistent with prison policies and  
13 regulations, and institutional order and security. See Whitley v. Albers, 475 U.S. 312,  
14 321-322 (1986) (quoting Bell v. Wolfish, 441 U.S. 520, 547 (1970)). The Clerk's Office  
15 will be directed to serve a copy of this order on the Litigation Coordinator.

16 Based on the foregoing, Plaintiff's request for clarification is HEREBY GRANTED  
17 as stated herein. In all other respects, it is HEREBY RECOMMENDED that Plaintiff's  
18 "Motion to Have Meaningful Access to Court, to Conduct Discovery." (ECF No. 59) be  
19 DENIED.

20 The findings and recommendation are submitted to the United States District  
21 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
22 **fourteen** (14) days after being served with the findings and recommendation, any party  
23 may file written objections with the Court and serve a copy on all parties. Such a  
24 document should be captioned "Objections to Magistrate Judge's Findings and  
25 Recommendation." Any reply to the objections shall be served and filed within fourteen  
26 (14) days after service of the objections. The parties are advised that failure to file  
27 objections within the specified time may result in the waiver of rights on appeal.  
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1 Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923  
2 F.2d 1391, 1394 (9th Cir. 1991)).  
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5 IT IS SO ORDERED.

6 Dated: September 19, 2017

/s/ Michael J. Seng  
7 UNITED STATES MAGISTRATE JUDGE  
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