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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY WILEY, SR.,  
Plaintiff,  
v.  
KERN COUNTY SHERIFF, et al.,  
Defendants.

Case No. 1:17-cv-00981-BAM (PC)  
ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER  
(ECF No. 3)

Plaintiff Anthony Wiley, Sr. (“Plaintiff”) is a former pretrial detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on July 24, 2017. (ECF No. 1.) The complaint concerns the denial of medical care. Plaintiff has consented to magistrate judge jurisdiction. (ECF No. 5.)

**I. Motion for Temporary Restraining Order**

Currently before the Court is Plaintiff’s motion for a “temporary/preliminary injunction.” (ECF No. 3.) Plaintiff states that he requests a temporary/preliminary injunction, if applicable, based on several issues.

First, Plaintiff states that his wife’s safety and Second Amendment rights have been violated and disregarded by the Bakersfield Police Department and Kern County Sheriffs during his incarceration. Second, Plaintiff states that he has medical issues, including high blood pressure and a spinal injury, which “they” were informed of and chose to disregard. Plaintiff

1 states that he also has fluid in his brain, which is a continuing issue. Finally, Plaintiff states that  
2 his incarcerating and detaining deputies are the controlling agents who are hostile towards  
3 Plaintiff and Plaintiff's family due to past activities, and that he does not want to die. (Id.)

4 Plaintiff does not identify any parties who would be subject to a preliminary injunction,  
5 nor does he request any form of relief.

## 6 **II. Legal Standard**

7 The analysis for a temporary restraining order is substantially identical to that for a  
8 preliminary injunction, Stuhlbarg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7  
9 (9th Cir. 2001), and “[a] preliminary injunction is an extraordinary remedy never awarded as of  
10 right.” Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 24 (2008) (citation omitted). “A  
11 plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits,  
12 that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of  
13 equities tips in his favor, and that an injunction is in the public interest.” Id. at 20 (citations  
14 omitted). An injunction may only be awarded upon a clear showing that the plaintiff is entitled to  
15 relief. Id. at 22 (citation omitted).

16 Federal courts are courts of limited jurisdiction and in considering a request for  
17 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it  
18 have before it an actual case or controversy. City of L.A. v. Lyons, 461 U.S. 95, 102 (1983);  
19 Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc., 454 U.S.  
20 464, 471 (1982). If the Court does not have an actual case or controversy before it, it has no  
21 power to hear the matter in question. Id. Requests for prospective relief are further limited by 18  
22 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find  
23 the “relief [sought] is narrowly drawn, extends no further than necessary to correct the violation  
24 of the Federal right, and is the least intrusive means necessary to correct the violation of the  
25 Federal right.”

26 Furthermore, the pendency of this action does not give the Court jurisdiction over prison  
27 officials in general. Summers v. Earth Island Inst., 555 U.S. 488, 491–93 (2009); Mayfield v.  
28 United States, 599 F.3d 964, 969 (9th Cir. 2010). The Court's jurisdiction is limited to the parties

1 in this action and to the viable legal claims upon which this action is proceeding. Summers, 555  
2 U.S. at 491–93; Mayfield, 599 F.3d at 969.

### 3 **III. Discussion**

4 Here, Plaintiff’s motion does not establish that he is likely to succeed on the merits, that  
5 he will suffer irreparable harm in the absence of an injunction, that the balance of equities tips in  
6 his favor, or that an injunction is in the public interest. Rather, the motion simply lists three  
7 problems and seeks “temporary/preliminary injunction, if applicable.” (ECF No. 3.) With no  
8 particular relief requested, the Court further finds that Plaintiff has not demonstrated that any  
9 relief sought is “narrowly drawn, extends no further than necessary to correct the violation of the  
10 Federal right, and is the least intrusive means necessary to correct the violation of the Federal  
11 right.” See 18 U.S.C. § 3626(a)(1)(A).

12 Additionally, “a court has no power to adjudicate a personal claim or obligation unless it  
13 has jurisdiction over the person of the defendant.” Zenith Radio Corp. v. Hazeltine Research,  
14 Inc., 395 U.S. 100, 110 (1969); SEC v. Ross, 504 F.3d 1130, 1138–39 (9th Cir. 2007). In this  
15 case, the Court has not screened Plaintiff’s complaint to determine whether it states a cognizable  
16 claim, no defendant has been ordered served, and no defendant has yet made an appearance.  
17 Furthermore, Plaintiff has not identified any party that would be subject to a preliminary  
18 injunction. At this juncture, the Court lacks personal jurisdiction over any defendant, or any third  
19 party that might be subject to an injunction, and it cannot issue an order requiring any other party  
20 to take any action. Zenith Radio Corp., 395 U.S. at 110; Ross, 504 F.3d at 1138–39.

21 To the extent Plaintiff’s concerns stem from his incarceration, it appears from Plaintiff’s  
22 notice of change of address that he is no longer in custody. (ECF No. 15.) Thus, any request  
23 related to Plaintiff’s fears for his or his family’s safety while he is incarcerated are moot.

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**IV. Conclusion and Order**

Accordingly, the Court HEREBY ORDERS that Plaintiff's motion for a temporary restraining order, (ECF No. 3), is DENIED.

IT IS SO ORDERED.

Dated: September 19, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE