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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 WILLIAM GRADFORD,

12 Plaintiff,

13 v.

14 STANISLAUS PUBLIC SAFETY  
15 CENTER, et al.,

16 Defendants.  
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1:17-cv-01248-DAD-GSA PC

**FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTIVE RELIEF BE DENIED  
(ECF No. 6.)**

**OBJECTIONS, IF ANY, DUE IN 14 DAYS**

20 **I. BACKGROUND**

21 William Gradford ("Plaintiff") is a prisoner proceeding *pro se* with this civil rights  
22 action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on  
23 September 18, 2017. (ECF No. 1.)

24 On October 16, 2017, Plaintiff filed a notice to the court which the court construes as a  
25 motion for preliminary injunctive relief. (ECF No. 6.)

26 **II. PRELIMINARY INJUNCTIVE RELIEF**

27 "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed  
28 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,

1 that the balance of equities tips in his favor, and that an injunction is in the public interest.” Id.  
2 at 374 (citations omitted). An injunction may only be awarded upon a *clear showing* that the  
3 plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

4 Federal courts are courts of limited jurisdiction and in considering a request for  
5 preliminary injunctive relief, the Court is bound by the requirement that as a preliminary  
6 matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S.  
7 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley Forge Christian Coll. v. Ams. United for  
8 Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the  
9 Court does not have an actual case or controversy before it, it has no power to hear the matter  
10 in question. Id.

11 To the extent that Plaintiff seeks a court order enjoining officers at the Deuel Vocational  
12 Center from acting against him, the court lacks jurisdiction to issue such an order as the order  
13 would not remedy any of the claims upon which this case proceeds. This case was filed against  
14 defendants Kirt and Florres based on events occurring before October 2017 at the Stanislaus  
15 County Safety Center (SCSC) in Stockton, California. Plaintiff now requests a court order  
16 protecting him from present and future actions by officers at the Deuel Vocational Institution in  
17 Tracy, California. Because such an order would not remedy any of the claims in this case,  
18 which is based upon events occurring before October 2017 at SCSC, the court lacks jurisdiction  
19 to issue the order sought by Plaintiff, and Plaintiff’s motion must be denied.

### 20 **III. CONCLUSION AND RECOMMENDATIONS**

21 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that Plaintiff’s motion  
22 for preliminary injunctive relief, filed on October 16, 2017, be DENIED for lack of jurisdiction.

23 These findings and recommendations are submitted to the United States District Judge  
24 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
25 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file  
26 written objections with the court. Such a document should be captioned "Objections to  
27 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
28 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.

1 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
2 (9th Cir. 1991)).

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4 IT IS SO ORDERED.

5 Dated: **March 30, 2018**

**/s/ Gary S. Austin**  
6 UNITED STATES MAGISTRATE JUDGE  
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