

1 his favor, and that an injunction is in the public interest.” Id. at 20 (citations omitted). An injunction
2 may only be awarded upon a *clear showing* that the plaintiff is entitled to relief. Id. at 22 (citation
3 omitted) (emphasis added).

4 Federal courts are courts of limited jurisdiction and in considering a request for preliminary
5 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it an
6 actual case or controversy. City of L.A. v. Lyons, 461 U.S. 95, 102 (1983); Valley Forge Christian Coll.
7 v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471 (1982). If the Court does
8 not have an actual case or controversy before it, it has no power to hear the matter in question. Id.
9 “[The] triad of injury in fact, causation, and redressability constitutes the core of Article III’s case-or-
10 controversy requirement, and the party invoking federal jurisdiction bears the burden of establishing its
11 existence.” Steel Co. v. Citizens for a Better Env’t, 523 U.S. 83, 103-04. Requests for prospective relief
12 are further limited by 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires
13 that the Court find the “relief [sought] is narrowly drawn, extends no further than necessary to correct
14 the violation of the Federal right, and is the least intrusive means necessary to correct the violation of
15 the Federal right.”

16 In his motion, Plaintiff contends that when he was transferred from Corcoran State Prison to
17 Kern Valley State Prison on May 30, 2018, he has not been provided his legal property. On June 4,
18 2018, the Court screened Plaintiff’s complaint and found that he stated a cognizable claim for retaliation
19 against Defendants Urban, Davey, Leshniak, Hoggard, and Garcia and a cognizable claim for conspiracy
20 to retaliate against Defendants Urban and Peterson. (ECF No. 12.) The Court allowed Plaintiff the
21 opportunity to file an amended complaint or notify the Court in writing of his intent to proceed solely
22 on the claims found to be cognizable. (Id.) On July 2, 2018, Plaintiff filed a motion for an extension of
23 time to file an amended complaint. (ECF No. 15.) By separate order, the Court granted Plaintiff an
24 additional thirty days to file an amended complaint.

25 As an initial matter, “a court has *no* power to adjudicate a personal claim or obligation unless it
26 has jurisdiction over the person of the defendant.” Zenith Radio Corp. v. Hazeltine Research, Inc.,
27 395 U.S. 100, 110 (1969) (emphasis added); S.E.C. v. Ross, 504 F.3d 1130, 1138-39 (9th Cir. 2007).
28 In this case, no defendant has yet made an appearance; and the United States Marshal has not yet been

1 ordered to effectuate service. At this juncture the Court lacks personal jurisdiction over the defendants
2 and it cannot issue an order requiring them to take any action. Zenith Radio Corp., 395 U.S. at 110;
3 Ross, 504 F.3d at 1138-39.

4 In addition, the Court’s jurisdiction is limited to the parties before it in this action and to
5 Plaintiff’s claim found to be cognizable in this action. See, e.g., Steel Co. v. Citizens for a Better
6 Env’t, 523 U.S. 83, 103-04 (1998) (“[The] triad of injury in fact, causation, and redressability
7 constitutes the core of Article III’s case-or-controversy requirement, and the party invoking federal
8 jurisdiction bears the burden of establishing its existence.”) (citation omitted); American Civil
9 Liberties Union of Nevada v. Masto, 670 F.3d 1046, 1061-62 (9th Cir. 2012) (“[F]ederal courts may
10 adjudicate only actual, ongoing cases or controversies.”) (citation and internal quotation marks
11 omitted). Plaintiff seeks relief against individuals at Kern Valley State Prison who are not named as
12 Defendants in the complaint which is against Defendants at Corcoran State Prison. The Court is
13 unable to issue an order against individuals who are not parties to a suit pending before it. Zenith
14 Radio Corp. v. Hazeltine Research, Inc., 395 U.S. at 112. Accordingly, Plaintiff’s motion for a court
15 order must be denied, without prejudice.

16 **II.**

17 **RECOMMENDATION**

18 Based on the foregoing, it is HEREBY RECOMMENDED that:

- 19 1. Plaintiff’s motion for a court order directing prison officials to provide him access to
20 his legal materials be denied; and
21 2. The Clerk of Court is directed to randomly assign a District Judge to this action.

22 This Findings and Recommendation will be submitted to the United States District Judge
23 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **twenty-one (21)**
24 **days** after being served with this Findings and Recommendation, Plaintiff may file written objections
25 with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
26 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may

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result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: July 3, 2018



UNITED STATES MAGISTRATE JUDGE