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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRYL HOUSE,
Plaintiff,
v.
ANDRE MATEVOUSIAN, et al,
Defendants.

Case No.: 1:17-cv-01698 SAB (PC)
ORDER DIRECTING CLERK OF COURT
TO RANDOMLY ASSIGN A DISTRICT
JUDGE TO THIS ACTION
FINDINGS AND RECOMMENDATION
RECOMMENDING PLAINTIFF’S MOTION
FOR A PRELIMINARY INJUNCTION BE
DENIED
[ECF No. 4]

Plaintiff Darryl House is a federal prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971).
Currently before the Court is Plaintiff’s motion for an order to show cause why a preliminary injunction should not issue, filed on December 18, 2017.
The purpose of a preliminary injunction is to preserve the status quo if the balance of equities so heavily favors the moving party that justice requires the court to intervene to secure the positions until the merits of the action are ultimately determined. Univ. of Texas v. Camenisch, 451 U.S. 390, 395 (1981). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Winter v. Natural Resources Defense Council, Inc., 555 U.S.

1 7, 20 (2008) (citations omitted). An injunction may only be awarded upon a clear showing that
2 the plaintiff is entitled to relief. Id. at 22 (citation omitted) (emphasis added). The analysis for a
3 temporary restraining order is substantially identical to that for a preliminary injunction.
4 Stuhlbarg Intern. Sales Co., Inc. v. John D. Brush and Co., Inc., 240 F.3d 832, 839 n.7 (9th Cir.
5 2001).

6 In cases brought by prisoners involving conditions of confinement, any preliminary
7 injunction must be narrowly drawn, extend no further than necessary to correct the harm the
8 Court finds requires preliminary relief, and be the least intrusive means necessary to correct the
9 harm. 18 U.S.C. § 3626(a)(2). The pendency of this action does not give the Court jurisdiction
10 over prison officials in general. Summers v. Earth Island Institute, 555 U.S. 488, 491–93, 129 S.
11 Ct. 1142, 173 L. Ed. 2d 1 (2009); Mayfield v. United States, 599 F.3d 964, 969 (9th Cir. 2010).
12 The Court’s jurisdiction is limited to the parties in this action and to the viable legal claims upon
13 which this action is proceeding. Summers, 555 U.S. at 491–93; Mayfield, 599 F.3d at 969.

14 Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court
15 must have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95,
16 102 (1983); Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.,
17 454 U.S. 464, 471 (1982). If the court does not have an actual case or controversy before it, it has
18 no power to hear the matter in question. Lyons, 461 U.S. at 102. Thus, “[a] federal court may
19 issue an injunction [only] if it has personal jurisdiction over the parties and subject matter
20 jurisdiction over the claim; it may not attempt to determine the rights of persons not before the
21 court.” Zepeda v. United States Immigration Serv., 753 F.2d 719, 727 (9th Cir. 1985).

22 The pendency of this action does not give the Court jurisdiction over prison officials in
23 general. Summers v. Earth Island Institute, 555 U.S. 488, 491–93 (2009); Mayfield v. United
24 States, 599 F.3d 964, 969 (9th Cir. 2010). The Court’s jurisdiction is limited to the parties in this
25 action and to the viable legal claims upon which this action is proceeding. Summers, 555 U.S. at
26 491–93; Mayfield, 599 F.3d at 969.

27 Plaintiff has not met the requirements for a preliminary injunction. Plaintiff seeks a
28 preliminary injunction to enjoin Defendants from depriving him of the accommodations that his

1 disability warrants. Plaintiff's complaint has not yet been screened, and the Court has not yet
2 determined whether he has stated any cognizable claims. Plaintiff is advised that his complaint
3 will be screened in due course, but the Court has an extremely large number of pro se plaintiff
4 civil rights cases pending before it, and delay is inevitable. No Defendant has been ordered
5 served, and no Defendant has yet made an appearance. Therefore, at this stage of the
6 proceedings, the Court does not have before it a case or controversy. The Court also does not
7 have jurisdiction over any Defendant. Accordingly, Plaintiff's request for a preliminary
8 injunction should be denied as premature.

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

- 10 1. Plaintiff's motion for a preliminary injunction be denied as premature; and
- 11 2. The Clerk of Court is directed to randomly assign a District Judge to this action.

12 This Findings and Recommendation will be submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **twenty-one (21)**
14 **days** after being served with this Findings and Recommendation, Plaintiff may file written
15 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
16 Findings and Recommendation." Plaintiff is advised that failure to file objections within the
17 specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834,
18 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

19 IT IS SO ORDERED.

20 Dated: February 2, 2018

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23 UNITED STATES MAGISTRATE JUDGE
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