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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 LUIS RENTERIA,

12 Plaintiff,

13 vs.

14 KABIR MATHARU, et al.,

15 Defendants.  
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1:18-cv-00497-LJO-GSA-PC

**FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTIVE RELIEF BE DENIED  
(ECF No. 28.)**

**OBJECTIONS, IF ANY, DUE WITHIN  
FOURTEEN DAYS**

18 **I. BACKGROUND**

19 Luis Renteria ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in  
20 this civil rights action pursuant to 42 U.S.C. § 1983. On April 12, 2018, Plaintiff filed the  
21 Complaint commencing this action. (ECF No. 1.) On May 29, 2018, Plaintiff filed the First  
22 Amended Complaint as a matter of course. (ECF No. 15.) On December 14, 2018, the court  
23 issued a screening order dismissing the First Amended Complaint for violation of Local Rule  
24 220 and failure to state a claim, with leave to amend. (ECF No. 22.) On March 6, 2019,  
25 Plaintiff filed a Second Amended Complaint, which awaits the court's requisite screening  
26 under 28 U.S.C. § 1915. (ECF No. 27.)

27 On April 15, 2019, Plaintiff filed a request for access to the law library, which the court  
28 construes as a motion for preliminary injunctive relief. (ECF No. 28.)

1 **II. PRELIMINARY INJUNCTIVE RELIEF**

2 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed  
3 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,  
4 that the balance of equities tips in his favor, and that an injunction is in the public interest.” Id.  
5 at 374 (citations omitted). An injunction may only be awarded upon a *clear showing* that the  
6 plaintiff is entitled to relief. Id. at 376 (citation omitted) (emphasis added).

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

14 **Analysis**

15 Plaintiff seeks an order compelling officials at the Los Angeles County Jail, where he is  
16 currently incarcerated, to provide him with access to the law library. The court lacks  
17 jurisdiction to issue such an order because the order would not remedy any of the claims upon  
18 which this case proceeds, additionally the Los Angeles County Jail is not a party to this action.  
19 Plaintiff filed this case against medical personnel employed at Kern Valley State Prison in  
20 Delano, California, when Plaintiff was incarcerated there, based on events occurring before  
21 Plaintiff filed this case on May 29, 2018. Plaintiff now requests a court order compelling  
22 officials at the Los Angeles County Jail to act. Because such an order would not remedy any of  
23 the claims in this case, the court lacks jurisdiction to issue the order sought by Plaintiff, and  
24 Plaintiff’s motion should be denied. And, as stated above, because officials at the Los Angeles  
25 County Jail are not a part of this action, the Court lacks jurisdiction over them.

26 **III. CONCLUSION AND RECOMMENDATIONS**

27 Based on the foregoing, **IT IS HEREBY RECOMMENDED** that Plaintiff’s motion  
28 for preliminary injunctive relief, filed on April 15, 2019, be DENIED for lack of jurisdiction.

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2           These findings and recommendations are submitted to the United States District Judge  
3 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**  
4 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file  
5 written objections with the court. Such a document should be captioned “Objections to  
6 Magistrate Judge's Findings and Recommendations.” Plaintiff is advised that failure to file  
7 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
8 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
9 (9th Cir. 1991)).

10 IT IS SO ORDERED.

11 Dated: April 18, 2019

12 /s/ Gary S. Austin  
13 UNITED STATES MAGISTRATE JUDGE