



1 incidents at issue in this action took place while Plaintiff was housed at Substance Abuse  
2 Treatment Facility and State Prison, Corcoran (“SATF”).

3 Defendants filed an answer to the complaint on March 24, 2020. (ECF No. 68.) After an  
4 unsuccessful settlement conference, the Court issued the discovery and scheduling order on  
5 August 26, 2020. (ECF No. 87.)

## 6 II.

### 7 LEGAL STANDARD

8 The purpose of a preliminary injunction is to preserve the status quo if the balance of  
9 equities so heavily favors the moving party that justice requires the court to intervene to secure  
10 the positions until the merits of the action are ultimately determined. University of Texas v.  
11 Camenisch, 451 U.S. 390, 395 (1981). “A plaintiff seeking a preliminary injunction [or  
12 temporary restraining order] must establish that he is likely to succeed on the merits, that he is  
13 likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities  
14 tips in his favor, and that an injunction is in the public interest.” Winter v. Natural Resources  
15 Defense Council, Inc., 555 U.S. 7, 20 (2008).

16 “[A] preliminary injunction is an extraordinary and drastic remedy, one that should not be  
17 granted unless the movant, *by a clear showing*, carries the burden of persuasion.” Mazurek v.  
18 Armstrong, 520 U.S. 968, 972 (1997) (quotations and citations omitted) (emphasis in original). A  
19 party seeking a temporary restraining order or preliminary injunction simply cannot prevail when  
20 that motion is unsupported by evidence.

21 Federal courts are courts of limited jurisdiction and in considering a request for preliminary  
22 injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before  
23 it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102 (1983); Valley  
24 Forge Christian Coll. V. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471  
25 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear  
26 the matter in question. Id. Requests for prospective relief are further limited by 18 U.S.C. §  
27 3626(a)(1)(A) of the Prison Litigation Reform Act, which requires that the Court find the “relief  
28 [sought] is narrowly drawn, extends no further than necessary to correct the violation of the Federal

1 right, and is the least intrusive means necessary to correct the violation of the Federal right.”

2 A federal court may issue emergency injunctive relief only if it has personal jurisdiction  
3 over the parties and subject matter jurisdiction over the lawsuit. See Murphy Bros., Inc. v. Michetti  
4 Pipe Stringing, Inc., 526 U.S. 344, 350 (1999) (noting that one “becomes a party officially, and is  
5 required to take action in that capacity, only upon service of summons or other authority-asserting  
6 measure stating the time within which the party served must appear to defend.”). The Court may  
7 not attempt to determine the rights of persons not before it. See Hitchman Coal & Coke Co. v.  
8 Mitchell, 245 U.S. 229, 234-35 (1916); Zepeda v. INS, 753 F.2d 719, 727-28 (9th Cir. 1983).

### 9 III.

### 10 DISCUSSION

11 The Court lacks jurisdiction to issue the orders sought by Plaintiff because such order would  
12 not remedy any of the claims upon which this case proceeds. This case was filed against Defendants  
13 at SATF based on events occurring before Plaintiff filed the complaint. Plaintiff now requests a court  
14 order for prospective relief to protect him from present and future misconduct by prison personnel  
15 and/or fellow inmates. Because such an order would not remedy any of the claims in this case, which  
16 are based upon past events, the Court lacks jurisdiction to issue the order sought by Plaintiff. The  
17 pendency of this action does not give the Court jurisdiction over prison personnel in general.  
18 Summers v. Earth Island Institute, 555 U.S. 488, 492-93 (2009); Mayfield v. United States, 599  
19 F.3d 964, 969 (9th Cir. 2010). Rather, the Court’s jurisdiction is limited to the parties in this  
20 action and to the cognizable legal claim upon which it proceeds. Summers, 555 U.S. at 493.  
21 Accordingly, Plaintiff’s motion must be denied.

### 22 IV.

### 23 RECOMMENDATION

24 Based on the foregoing, it is HEREBY RECOMMENDED that Plaintiff’s motion for  
25 emergency administrative relief be DENIED.

26 This Findings and Recommendation will be submitted to the United States District Judge  
27 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14)**  
28 **days** after being served with this Findings and Recommendation, the parties may file written

1 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s  
2 Findings and Recommendation.” The parties are advised that failure to file objections within the  
3 specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834,  
4 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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6 IT IS SO ORDERED.

7 Dated: September 16, 2020

  
UNITED STATES MAGISTRATE JUDGE

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