



1 appears Plaintiff disagrees with the medical care he is being provided. Thus, in addition to  
2 having other remedies available to him, Plaintiff's claim is not "clear and certain" to warrant  
3 mandamus relief. *Barron v. Reich*, 13 F.3d 1370, 1374 (9th Cir. 1994) (finding a writ  
4 of mandamus appropriate only when (1) the petitioner's claim is "clear and certain"; (2) the  
5 respondent official's duty to act is ministerial and (3) no other adequate remedy is available.).

6 To the extent Plaintiff intended the Motion to seek preliminary injunctive relief, the  
7 Motion is wholly deficient as Plaintiff neither identifies, nor even attempts to establish, the  
8 factors to prevail on such a motion. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24  
9 (2008); *see also* 18 U.S.C. § 3626(a)(1)(A) of the Prison Litigation Reform Act. Further, a  
10 motion seeking preliminary injunctive relief would be premature since Plaintiff has not been  
11 granted to leave to proceed *in forma pauperis*, he has not paid the filing fee, and his Complaint  
12 has not proceeded past the screening stage.

13 Accordingly, it is **ORDERED:**

14 Plaintiff's Motion for Order (Doc. No. 5) is DENIED.

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16 Dated: July 15, 2021

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18 HELENA M. BARCH-KUCHTA  
19 UNITED STATES MAGISTRATE JUDGE  
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