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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD L. ISGRIGG, III,

Plaintiff,

No. CIV S-11-2780 KJM CKD P

vs.

J. LEBECK, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis who seeks relief pursuant to 42 U.S.C. § 1983. In its screening order, the undersigned found that the complaint states claims of deliberate indifference against four defendants.

In the complaint, plaintiff asked for a preliminary injunction ordering defendants to transfer him to California Medical Facility-Vacaville (CMF) for medical care. (Dkt. No. 1 at 12.) On January 20, 2012, plaintiff filed a motion requesting law library access and/or a transfer to CMF. (Dkt. No. 9.) And on February 23, 2012, plaintiff filed a proposed order to show cause why he should not be transferred to CMF. (Dkt. No. 11.)

Plaintiff claims he should be transferred to CMF because he is being denied library access, being retaliated against, and receiving inadequate medical care at CSP-Sacramento. But plaintiff's motions for injunctive relief have nothing to do with the operative

1 claims in this case, namely that defendants were deliberately indifferent to his statements in
2 October 2010 that he was suicidal. Thus, plaintiff's request for injunctive relief is beyond the
3 scope of the case or controversy before this court. See Benyamini v. Manjuano, 2011 WL
4 4963108 (E.D. Cal. Oct. 18, 2011) ("This Court lacks jurisdiction to issue an order requiring
5 prison officials to transfer [plaintiff] based on retaliatory acts occurring after this action was
6 filed, because the Court does not have such a case or controversy before it in this action.
7 [Citations.]") Moreover, in Meachum v. Fano, 427 U.S. 215 (1976), the United States Supreme
8 Court explicitly held that prisoners do not have a constitutional right to be housed at a particular
9 prison within a state's prison system.

10 Accordingly, IT IS HEREBY ORDERED THAT:

11 1. Plaintiff's January 20, 2012 motion for access to law library or transfer to CMF
12 (Dkt. No. 9) is denied; and

13 2. Plaintiff's February 23, 2012 motion for an order to show cause for a
14 preliminary injunction (Dkt. No. 11) is denied.

15 Dated: March 6, 2012

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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