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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 OBI LEE CRISP III,

No. 2:14-cv-1345 AC P

12 Plaintiff,

13 v.

ORDER

14 CALIFORNIA HEALTH CARE  
15 FACILITY, et al.,

16 Defendants.

17  
18 Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Plaintiff seeks relief  
19 pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302  
20 pursuant to 28 U.S.C. § 636(b)(1). After the screening required by 28 U.S.C. § 1915A(a), the  
21 court dismissed plaintiff's original complaint with leave to amend. The court now addresses  
22 plaintiff's requests for interim relief. See ECF Nos. 10 & 11.

23 Plaintiff has filed a 3-part "Motions of Consideration," seeking (1) a "protective order"  
24 against certain objectionable conduct by unspecified persons, (2) a transfer to a federal prison or  
25 to the state prison at Vacaville, and (3) a "protective order" regarding unidentified videos of "staff  
26 misconduct." ECF No. 10. The federal district court is a court of limited jurisdiction, and cannot  
27 issue orders absent a showing that it has the legal authority to do so, and that the factual predicate  
28 for the exercise of that authority exists. See, e.g., Kokkonen v. Guardian Life Ins. Co. of

1 America, 511 U.S. 375, 377 (1994) (as courts of “limited jurisdiction,” federal courts “possess  
2 only that power authorized by [the] Constitution or statute”).

3 Plaintiff’s now-dismissed complaint does not provide either basis, nor does the motion  
4 itself. Accordingly, the motion will be denied without prejudice to its renewal, in proper form, if  
5 plaintiff files an amended complaint that survives the screening process. Plaintiff is cautioned  
6 that any such renewed motion will not be in proper form if it fails to identify whom the order is  
7 intended to constrain, what videos are sought to be protected, and the legal and factual basis for  
8 any requested order, including an order for a transfer. See, United States v. Warren, 610 F.2d  
9 680, 684 (9th Cir. 1980) (the district court’s “attempt to transfer Warren from state to federal  
10 custody violated fundamental principles of comity and separation of powers”); LeMaire v.  
11 Maass, 12 F.3d 1444, 1454 (9th Cir. 1993) (prison conditions must be evaluated “with proper  
12 regard for the limited competence of federal judges to micromanage prisons”) (internal quotation  
13 marks omitted).

14 Plaintiff has also filed a motion for “Emergency Help.” ECF No. 11. Like the previous  
15 motion, this motion seeks a transfer to a federal facility or to the state facility at Vacaville, and  
16 accordingly will be denied, without prejudice, for the reasons stated above.

17 In accordance with the above, IT IS HEREBY ORDERED that:

- 18 1. Plaintiff’s “Motions of Consideration” (ECF No. 10) is DENIED without prejudice;  
19 2. Plaintiff’s motion for “Emergency Help” (ECF No. 11) is DENIED without prejudice.

20 DATED: October 6, 2014

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22 ALLISON CLAIRE  
23 UNITED STATES MAGISTRATE JUDGE  
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