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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YASIR MEHMOOD,
Plaintiff,
v.
U.S. MARSHAL’S SERVICE, et al.,
Defendants.

No. 2: 14-cv-1613AC P

ORDER

Plaintiff is a federal pretrial detainee housed at Sacramento County Jail who purports to seek relief pursuant to 42 U.S. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Plaintiff has consented to the jurisdiction of the undersigned. ECF No. 4. Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis. ECF No. 2. Plaintiff’s declaration makes the showing required by 28 U.S.C. § 1915(a). However, the court will not assess a filing fee at this time. Instead, the complaint will be summarily dismissed.

Plaintiff seeks injunctive relief only. Specifically, he seeks extended law library access and related support for his self-representation in the criminal case (typewriter, phone calls, copying, etc.). Alternatively, plaintiff asks that the U.S. Marshal be directed to transfer him to a federal holding facility so that he may be provided with daily law library access. Complaint, ECF No. 1. The relief that plaintiff seeks here has been repeatedly requested and denied in pre-trial

1 proceedings in the pending criminal case. United States v. Mehmood, No. 2:12-cr-00154-JAM,
2 ECF Nos. 122, 151, 184, 187, 188, 202. Had plaintiff not already sought reconsideration of Judge
3 Mendez's orders denying the requested relief, see, e.g., id. at ECF Nos. 205, 252, the undersigned
4 would direct the Clerk to file the instant complaint as a motion for reconsideration in the criminal
5 case. Because the matters presented here are already before Judge Mendez, however, that is not
6 necessary.


7 This action as a whole is duplicative of the pretrial motions in Case No. 2:12-cr-00154-
8 JAM. Moreover, the motion "for emergency injunctive relief" filed in this case on September 8,
9 2014, ECF No. 5, is duplicative of a pending motion plaintiff filed on the same date in his
10 criminal case (Case No. 2:12-cr-00154-JAM, ECF No. 265).

11 The court is required to screen complaints brought by prisoners seeking relief against a
12 governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a).
13 Such complaints must be dismissed if they present claims that are legally "frivolous or malicious"
14 or that fail to state a claim upon which relief may be granted. 28 U.S.C. § 1915A(b)(1). The
15 complaint here is legally baseless in that it directly challenges the rulings of a U.S. District Judge
16 in a pending criminal case. See Complaint, ECF No. 1 at 6-7, 18. Plaintiff may not invoke 42
17 U.S.C. § 1983 to circumvent the authority of the district judge in the criminal case. The case
18 must be dismissed. Leave to amend need not be granted under these circumstances.

19 Accordingly, IT IS ORDERED that:

- 20 1. Plaintiff's motion "for emergency injunctive relief," ECF No. 5, is duplicative of his
21 motion in his pending criminal proceeding and is denied;
- 22 2. This action is dismissed with prejudice.

23 DATED: October 31, 2014

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25 ALLISON CLAIRE
26 UNITED STATES MAGISTRATE JUDGE
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