

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 17, 2017

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GEOFFREY ROBERT LAWSON,  
SR.,

No. 2:16-CV-00361-SMJ

Plaintiff/s,

**ORDER DENYING MOTIONS**

v.

DAN PACHOLKE, ELDON VAIL,  
ISRAEL ROY GONZALES,  
BRANDON WELLS, MARTHA  
HAYES, TAMARA AVERY, LORI  
WONDERS, JOHN DOE 1-10, PAUL  
BARKER, BONNIE LONGINO, H.  
FERNANDEZ, LT. D. BUSS, LT. M.  
MARRY, CC2 JORDAN, BERNARD  
WARNER, RACHEL SHOOK and  
TRACY STUENKEL,

Defendants.

BEFORE THE COURT are Plaintiff's Motion for Extension of Time, ECF  
No. 24, and his Renewed Emergency Motion for Preliminary Injunction, ECF No.  
25. Plaintiff, a prisoner at the Airway Heights Corrections Center, is proceeding  
*pro se* and *in forma pauperis*. By separate Order, the Court has directed Plaintiff's

1 First Amended Complaint, ECF No. 26, received on September 6, 2017 and dated  
2 August 30, 2017, be served on Defendants.

3 Plaintiff's motions were received after the dates on which he requested they  
4 be noted for hearing. They were noted for hearing on October 6, 2017, and  
5 considered without oral argument on the date signed below. Because the Court had  
6 accepted Plaintiff's First Amended Complaint, ECF No. 26, and found it sufficient  
7 to require a response from Defendants, Plaintiff's request for an extension of time  
8 to file it is now moot.

9 Plaintiff seeks to renew an emergency motion for injunctive relief. The  
10 present lawsuit concerns Plaintiff's access to the courts to challenge his criminal  
11 conviction and the conditions of his confinement. The substance of his motion  
12 concerns newly discovered issues food and water contamination and a requested  
13 soy-free diet. The Court notes Plaintiff's request for a soy-free Kosher diet has  
14 already been litigated in a separate action, *Lawson v. Carney, et. al.*, 2:15-CV-0184-  
15 RMP, which is now on appeal before the Ninth Circuit Court of Appeals.

16 "A court's equitable power lies only over the merits of the case or controversy  
17 before it. When a plaintiff seeks injunctive relief based on claims not pled in the  
18 complaint, the court does not have the authority to issue an injunction." *Pacific*  
19 *Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631, 633 (9th Cir. 2015).  
20 Therefore, this Court is without authority to enjoin the conduct Plaintiff describes

1 in his motion. If Plaintiff wishes to challenge the conditions of his confinement and  
2 has not already done so, he may file a new and separate action.


3 Accordingly, **IT IS HEREBY ORDERED:**

4 **1.** Plaintiff's Motion for Extension of Time, ECF No. 24, is **DENIED** as  
5 **moot.**

6 **2.** Plaintiff's Renewed Emergency Motion for Preliminary Injunction  
7 Based on Imminent Risk to Lawson's Health and Safety Due to  
8 Defendants' Continued Denial of Lawson's Access to the Courts, ECF  
9 No. 25, is **DENIED.**

10 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
11 provide a copy to Plaintiff.

12 **DATED** this 17th day of October 2017.

13   
14 SALVADOR MENDEZ, JR.  
United States District Judge