UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTWOINE BEALER, Plaintiff, vs. R. BRANNUM, et al., Defendants.	1:12-cv-01516-AWI-GSA-PC ORDER DENYING MOTION FOR PRELIMINARY INJUNCTIVE RELIEF, FOR LACK OF JURISDICTION (Doc. 51.)

I. BACKGROUND

Antoine Bealer ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On September 14, 2012, Plaintiff filed the Complaint commencing this action. (Doc. 1.) This case now proceeds with the Fourth Amended Complaint filed on March 28, 2014, against defendants Rios and Brannum for use of excessive force in violation of the Eighth Amendment. (Doc. 21.)

On May 1, 2015, Plaintiff filed a motion for preliminary injunctive relief. (Doc. 51.)

II. PRELIMINARY INJUNCTIVE RELIEF

The court lacks jurisdiction to grant Plaintiff's request. Federal courts are courts of limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it an actual case or controversy. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983);

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464, 471, 102 S.Ct. 752, 757-58 (1982). If the Court does not have an actual case or controversy before it, it has no power to hear the matter in question. Id.

Plaintiff requests relief from being denied access to the court. Specifically, Plaintiff seeks greater access to the law library and his legal materials.

The court lacks jurisdiction to issue the order sought by Plaintiff, because such controversies are not before the court in this case. As discussed above, federal courts are courts of limited jurisdiction and in considering a request for preliminary injunctive relief, the Court is bound by the requirement that as a preliminary matter, it have before it an actual case or controversy. City of Los Angeles, 461 U.S. at 102; Valley Forge Christian Coll., 454 U.S. at 471. Here, Plaintiff's complaint concerns claims for excessive force against defendants based on events occurring in 2010-2011. An order granting Plaintiff access to the law library and his legal materials would not remedy any of the claims upon which this action proceeds. Therefore, Plaintiff's request for a preliminary injunction must be denied.

III. CONCLUSION

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for preliminary injunctive relief, filed on May 1, 2015, is DENIED.

IT IS SO ORDERED.

Dated: **May 16, 2015** **/s/ Gary S. Austin**
UNITED STATES MAGISTRATE JUDGE