Buckley v. Alameida

2009 | Cited 0 times | E.D. California | February 20, 2009

ORDER DENYING REQUEST FOR JUDICIAL INTERVENTION AND ADDRESSING "EMERGENCY NOTICE" (Docs. 88 and 89)

Plaintiff Antonio Cortez Buckley ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc-1 (the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA")). Plaintiff is currently housed at Salinas Valley State Prison in Soledad. On November 13, 2008, Plaintiff notified the Court that he had been placed in administrative segregation without his personal and legal property, and requested judicial intervention. On November 25, 2008, Plaintiff filed an "Emergency Notice" stating that he is still in administrative segregation and is only able to access three of his seven property boxes. The other four boxes purportedly contain Plaintiff's legal material relating to this action.

The claims in this action arise from Plaintiff's past conditions of confinement at the California Correctional Institution in Tehachapi. (Docs. 9, 19.) The Court does not have jurisdiction in this action over prison officials at Salinas Valley State Prison, and cannot issue an order remedying Plaintiff's current conditions of confinement there. City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); 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); Jones v. City of Los Angeles, 444 F.3d 1118, 1126 (9th Cir. 2006).

The Court will not intervene, via request rather than order, in property issues absent a showing of compelling need. Plaintiff has made no showing that he is being prevented from accessing specific documents he has immediate need for at this stage in the litigation.

For the reasons set forth herein, Plaintiff's request for judicial intervention, filed November 13, 2008, is DENIED, and Plaintiff's "Emergency Notice," filed November 25, 2008, is deemed ADDRESSED.

IT IS SO ORDERED.