



(PC) Sessing v. Beard, et al.

2013 | Cited 0 times | E.D. California | December 3, 2013

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NATHAN SESSING,

Plaintiff, v. JEFFREY BEARD, et al.,

Defendants.

Case No. 1:13-cv-01684-LJO-MJS (PC) ORDER REQUEST FOR AN ORDER THAT CSATF ACCOUNTING OFFICE PROVIDE A CERTIFIED TRUST ACCOUNT STATEMENT (ECF No. 7)

Plaintiff is a state prisoner incarcerated at the California Substance Abuse and proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. This matter is in the screening phase. request that the Court order the CSATF accounting office to provide him a certified trust account statement in support of his request for in forma pauperis status. Plaintiff argues he has not received the statement despite repeated requests to the CSATF accounting office. Plaintiff requests a request for affirmative injunctive relief, shall be denied. The Court has no jurisdiction over the CSATF accounting office. It is neither a party to this action nor charged with acting in concert with a party. Even if the contrary were true, Plaintiff must also show he has exhausted available administrative procedures for undertaking to retrieve his statement. Additionally, Plaintiff has not shown the existence of any of the criteria for injunctive relief, i.e., (1) a likelihood of success on the merits and the possibility of irreparable injury, or (2) the existence of serious questions going to the merits and the balance of hardships *Oakland Tribune, Inc. v. Chronicle Publishing Company, Inc.*, 762 F.2d 1374, 1376 (9th Cir. 1985), quoting *Apple Computer, Inc. v. Formula International, Inc.*, 725 F.2d 521, 523 (9th Cir. 1984); see also *City of Los Angeles v. Lyons*, 461 U.S. 95, 101. The deadline for Plaintiff to provide the certified trust account statement to the Court is December 26, 2013. Plaintiff identifies no hardship he might suffer absent injunctive relief. Nothing before the Court suggests a present need for and entitlement to injunctive relief. Nevertheless, the CSATF Litigation Coordinator is requested to inquire into the matter. The Clerk of the Court is directed to serve a copy of this order on the CSATF Litigation Coordinator via facsimile at (559) 992-7191. The Court order the CSATF accounting office to provide him a certified trust account statement (ECF No. 7) is DENIED without prejudice.

IT IS SO ORDERED.



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Dated: December 2, 2013 /s/ Michael J. Seng UNITED STATES MAGISTRATE JUDGE DEAC
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