

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Jeffrey M. Wiltse v. Kristina Pickering, et al.

Wiltse · No. 2:25-cv-00593-RFB-BNW · Decided January 7, 2026

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 DISTRICT OF NEVADA 6 * * * 7 JEFFREY
M. WILTSE, Case No. 2:25-cv-00593-RFB-BNW 8 Plaintiff, ORDER 9 v. 10 KRISTINA
PICKERING, et al., 11 Defendants. 12 13 Before the Court for consideration is the Report and
Recommendation of the Honorable 14 Brenda Weksler, United States Magistrate Judge, entered
on April 3, 2025. See ECF No. 4.

For 15 the following reasons, the Court accepts and adopts the Report and Recommendation in
full. 16 A district court “may accept, reject, or modify, in whole or in part, the findings or 17
recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific 18
written objections to the findings and recommendations of a magistrate judge.

28 U.S.C. § 19 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the
district court is 20 required to “make a de novo determination of those portions of the report or
specified proposed 21 findings or recommendations to which objection is made.” 28 U.S.C. §
636(b)(1); see also Local 22 Rule IB 3-2(b). Pursuant to Local Rule IB 3-2(a), objections were
due by April 16, 2025.

On April 23 9, 2025, Plaintiff filed an objection. See ECF No. 15. 24 The Magistrate Judge’s
Report and Recommendation recommends that Plaintiff’s 25 emergency motions (ECF Nos. 1-1,
3) be denied as premature because, at the time of filing, 26 Plaintiff had not filed a complaint, and
therefore there was no case or controversy pending before 27 the Court.

The Court has conducted a de novo review of the Report and Recommendation and 28 concurs
with the Magistrate Judge’s findings, reasoning, and recommendation in full.] Federal courts are
courts of limited jurisdiction, limited to deciding cases or controversies. 2| Scott v. Pasadena
Unified Sch. Dist., 306 F.3d 646, 654 (9th Cir. 2002).

Before seeking injunctive 3 | relief, a plaintiff first must file a complaint with the court. Stewart v.
U.S. L.N.S., 762 F.2d 193, 198 (2d Cir. 1985) (“Only after an action has been commenced can
preliminary injunctive relief 5 | be obtained.”); see also Fed. R. Civ. P. 3 (“A civil action is
commenced by filing a complaint with 6 | the court.”).

As the Magistrate Judge noted, these Motions are premature because Mr. Wiltse is 7 | proceeding
in forma pauperis. Accordingly, his case cannot move forward until the Court has 8 | screened his
complaint under 28 U.S.C. § 1915 and determined it states a colorable claim. 9 | Moreover, at the

time of Plaintiffs timely filed Objection, while the Plaintiff had filed a complaint 10 | (ECF No. 11) a few days prior, the Court still had not yet screened the complaint.

Thus, 11 | claim that the basis for the Magistrate Judge's finding was "moot" fails. 12 Also before the Court is Plaintiff's duplicative Motion for Temporary Restraining Order 13 | (ECF No. 6), which is identical to the Emergency Motion for Temporary Restraining Order (ECF No.3) addressed in the Magistrate Report and Recommendation. This Motion was also filed before 15 | any complaint was filed.

Accordingly, the Court finds this Motion is likewise premature and 16 | procedurally improper. 17 IT IS THEREFORE ORDERED that the Report and Recommendation (ECF No. 4) is 18 | ACCEPTED and ADOPTED in full. 19 IT IS FURTHER ORDERED that Plaintiff's Emergency Motion for Temporary 20) Restraining Order (ECF No. 1-1), Corrected Emergency Motion for Temporary Restraining 21) Order (ECF No. 3), and Motion for Temporary Restraining Order (ECF No. 6) are DENIED 22 | without prejudice.

23 24 DATED: January 7, 2026. 25. Fz ar RICHARD F. BOULWARE, II 28 UNITED STATES DISTRICT JUDGE -2-