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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VINCENT VASQUEZ,

CASE NO. 1:10-cv-02013-LJO-SMS PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS
RECOMMENDING PLAINTIFF’S MOTION
FOR A PRELIMINARY INJUNCTION BE
DENIED

v.

DR. J. YU, et al.,

(ECF Nos. 11, 12)

Defendants.

/ OBJECTIONS DUE WITHIN TWENTY DAYS

Plaintiff Vincent Vasquez (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on October 26, 2010. (ECF No. 1.) On January 20, 2011, Plaintiff filed a motion for a preliminary injunction requiring him to be transferred from Corcoran State Prison to a prison that could care for his medical needs and that officials at Corcoran State Prison not be allowed to overrule the recommendation made by his kidney specialist. (ECF Nos. 11, 12.) On March 31, 2011, Plaintiff filed a notice of change of address and he is now housed at the California Institution for Men, Chino. (ECF No. 14.)

The Prison Litigation Reform Act places limitations on injunctive relief. Section 3626(a)(1)(A) provides in relevant part, “[p]rospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.” 18 U.S.C. § 3626(a)(1)(A).

1 Additionally, when an inmate seeks injunctive or declaratory relief concerning the prison
2 where he is incarcerated, his claims for such relief become moot when he is no longer subjected to
3 those conditions. Nelson v. Heiss, 271 F.3d 891, 897 (9th Cir. 2001); Dilley v. Gunn, 64 F.3d 1365,
4 1368 (9th Cir. 1995); Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991). Since Plaintiff is no
5 longer incarcerated at Corcoran State Prison, the injunctive relief he is seeking is moot and his
6 request for injunctive relief should be denied.

7 Accordingly, based on the foregoing, the Court HEREBY RECOMMENDS that Plaintiff's
8 request for preliminary injunction be DENIED.

9 These findings and recommendations will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty (20)
11 days after being served with these findings and recommendations, Plaintiff may file written
12 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
13 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
14 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
15 1153 (9th Cir. 1991).

16
17 IT IS SO ORDERED.

18 **Dated: June 17, 2011**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE