UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LON CARTER,

Plaintiff,

v.

NICK DAWSON, et al.,

Defendants.

/

CASE NO. 1:07-cv-01325-OWW-SKO PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

(ECF Nos. 67, 86, 90)

Plaintiff Lon Carter is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed a motion seeking a court order giving him priority legal status for legal research on August 9, 2010. (ECF No. 67.) On February 7, 2011, the Magistrate Judge filed findings and recommendations herein which was served on the parties and which contained notice to the parties that any objections were to be filed within twenty one days. (ECF No. 86.) Plaintiff filed objections to findings and recommendations on February 25, 2011. (ECF No. 90.)

In his objections Plaintiff states that he has been transferred from Avenal State Prison to the California Rehabilitation Center. (Obj., p. 4, ECF No. 90.) When an inmate seeks injunctive or declaratory relief concerning the prison where he is incarcerated, his claims for such relief become moot when he is no longer subjected to those conditions. Nelson v. Heiss, 271 F.3d 891, 897 (9th Cir. 2001); Dilley v. Gunn, 64 F.3d 1365, 1368 (9th Cir. 1995); Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991). Accordingly Plaintiff's motion is denied as it is moot.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the undersigned finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed February 7, 2011, is adopted in full; and
2. Plaintiff's motion for preliminary injunctive relief filed August 9, 2010, is DENIED as moot.

IT IS SO ORDERED.

Dated: March 19, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE