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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN ROBERSON,

Plaintiff,

vs.

1: 08 CV 0214 AWI WMW PC

FINDINGS AND RECOMMENDATION RE MOTION
FOR INJUNCTIVE RELIEF (DOC 11)

S. ZAMORA, et al.,

Defendants.

Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation at CCI Tehachapi, brings this civil rights action against defendant correctional officials employed by the CDCR at Kern Valley State Prison. Pending before the court is Plaintiff's motion for injunctive relief.

Plaintiff seeks an order directing officials at Kern Valley enjoining officials at Kern Valley from denying him medical treatment. Court records indicate that plaintiff is no longer incarcerated at that institution. 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. See Weinstein v. Bradford, 423 U.S. 147 (1975); Enrico's, Inc. v. Rice, 730 F.2d 1250, 1255 (9th Cir. 1984). Accordingly, plaintiff's request[s] should be denied as moot.

1 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's motion for injunctive
2 relief be denied.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections
8 shall be served and filed within ten days after service of the objections. The parties are advised
9 that failure to file objections within the specified time waives all objections to the judge's
10 findings of fact. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). Failure to file
11 objections within the specified time may waive the right to appeal the District Court's order.
12 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 IT IS SO ORDERED.

14 **Dated: January 16, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE