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

MICHAEL D. HARRISON,

Plaintiff,

vs.

1: 08 CV 01065 AWI WMW PC

ORDER RE MOTION (DOC 28)

D. ADAMS, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). Pending before the court is Plaintiff’s motion for a preliminary injunction.

Plaintiff seeks an order directing the Warden at Wasco State Prison to “immediately and amend operational procedure #100 to unchain and unshackle prisoners who are on the fifth floor of Mercy Hospital and allow prisoners to move freely about the room when medical staff and correctional staff are not in the hospital room.”

Plaintiff is currently housed at Corcoran State Prison. 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,

1 423 U.S. 147 (1975); Enrico's, Inc. v. Rice, 730 F.2d 1250, 1255 (9th Cir. 1984). Accordingly,
2 plaintiff's request[s] should be denied as moot.

3 Further, Plaintiff, however, is a non-lawyer proceeding without counsel. It is well
4 established that a layperson cannot ordinarily represent the interests of a class. See McShane v.
5 United States, 366 F.2d 286 (9th Cir. 1966). This rule becomes almost absolute when, as here,
6 the putative class representative is incarcerated and proceeding pro se. Oxendine v. Williams,
7 509 F.2d 1405, 1407 (4th Cir. 1975). Plaintiff seeks injunctive relief on his behalf, as well as
8 all inmate who may be located on prison wing of Mercy Hospital. Plaintiff, a non-lawyer, may
9 not represent other inmates.

10 Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for preliminary
11 injunctive relief is denied.

12
13 IT IS SO ORDERED.

14 **Dated: February 2, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE