

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

MARK ANTHONY FLORES,

Plaintiff,

1: 08 CV 01415 YNP GSA (PC)

vs.

ORDER RE MOTION (DOC 7)

L. FIGURES,

Defendant.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action against correctional officials employed by the California Department of Corrections and Rehabilitation. Plaintiff has consented to the exercise of magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1). Pending before the Court is Plaintiff's motion for a court order directing prison officials to transfer him out of Wasco State Prison.

Court records indicate that plaintiff is no longer incarcerated at Wasco 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, 423 U.S. 147 (1975); Enrico's, Inc. v. Rice, 730 F.2d 1250, 1255 (9th Cir. 1984). Accordingly, plaintiff's request should be denied as moot.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion for a transfer order is denied as moot.

IT IS SO ORDERED.

Dated: August 17, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE