

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANTE ROLANDO HARRIS,

CASE NO. 1:09-cv-781-MJS (PC)

Plaintiff,

ORDER DENYING MOTION FOR
INJUNCTIVE RELIEF AND TEMPORARY
RESTRAINING ORDER AS MOOT

v.

H.A. RIOS, et al.,

(ECF Nos. 31 & 34)

Defendants.

Plaintiff Dante Harris ("Plaintiff") is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). Plaintiff has consented to the jurisdiction of the magistrate judge in this case. (ECF No. 7.)

On November 11, 2010, while housed at the United States Penitentiary at Atwater, California, Plaintiff filed a Motion for Injunction and Temporary Restraining Order asking the Court to enjoin USP-Atwater from interfering with his legal mail. (ECF No. 31) On December 3, 2010, Plaintiff filed a Writ of Prohibition asking the Court to order that he not be transferred out of USP-Atwater. (ECF No. 34.)

Plaintiff filed a Notice of Change of Address on January 10, 2011 indicating that he had been transferred to Federal Correctional Institute at Terre Haute, Indiana. (ECF No. 35.) When an inmate seeks injunctive 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

1 F.3d 1365, 1368 (9th Cir. 1995); Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991).
2 Because Plaintiff is no longer housed at USP-Atwater, his request to enjoin the staff there
3 from interfering with his legal mail is now moot. Because he has already been transferred,
4 Plaintiff's motion to enjoin that transfer is also moot.

5 Accordingly, the Court hereby ORDERS:

- 6 1. Plaintiff's Motion for Injunction and Temporary Restraining Order is DENIED;
- 7 2. Plaintiff's Motion for Writ of Prohibition is DENIED.

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10 IT IS SO ORDERED.

11 Dated: January 14, 2011

/s/ Michael J. Leng
UNITED STATES MAGISTRATE JUDGE