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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PIERRE RIZZO,

Plaintiff,

v.

M. DIAZ, et al.,

Defendants.

CASE NO. 1:10-cv-180-LJO-MJS (PC)

ORDER DENYING MOTION FOR
TEMPORARY RESTRAINING ORDER

(ECF No. 3)

Plaintiff Pierre Rizzo (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s Motion for Temporary Restraining Order [ECF No. 3]. When Plaintiff initiated this action and filed the instant motion, he was incarcerated at Pleasant Valley State Prison in Coalinga, California. (Complaint (ECF No. 1) ¶ 12.) According to allegations in Plaintiff’s Complaint, both Defendants are Satellite Kitchen Correctional Officers at Pleasant Valley State Prison. (Complaint (ECF No. 1) p. 2.) Plaintiff alleges that Defendants have been serving him contaminated food and asks the Court to restrain them from continuing this practice. (ECF No. 3 at 5-6.)

The Court notes that Plaintiff filed a change of address form on July 6, 2010 indicating that he had been transferred to California State Prison–Los Angeles County in Lancaster, California. (ECF No. 12.) 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 F.3d 1365, 1368 (9th Cir. 1995); Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991). Because Plaintiff is no longer

1 housed in the same facility where Defendants work, his request to restrain the Defendants from
2 serving him contaminated food is moot.

3 Accordingly, Plaintiff's Motion for Temporary Retraining Order is DENIED.

4 IT IS SO ORDERED.

5 Dated: July 16, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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