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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF WOLINSKI,

Plaintiff,

v.

MAURICE JUNIOUS, et al.,

Defendants.

CASE NO. 1:10-CV-02139-AWI-DLB PC

FINDINGS AND RECOMMENDATION  
RECOMMENDING PLAINTIFF’S MOTIONS  
FOR TEMPORARY RESTRAINING  
ORDER/PRELIMINARY INJUNCTIVE  
RELIEF BE DENIED (DOCS. 2, 8)

OBJECTIONS DUE WITHIN EIGHTEEN  
DAYS

Plaintiff Krzysztof Wolinski (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court are: 1) Plaintiff’s motion for temporary restraining order, filed November 9, 2010, and 2) Plaintiff’s motion for order directing prison officials to refrain from interfering with his documents, filed November 24, 2010. Docs. 2, 8. The Court will treat both as a motion for preliminary injunctive relief.

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365, 374 (2008) (citations omitted). The purpose of preliminary injunctive relief is to preserve the status quo or to prevent irreparable injury pending the resolution of the underlying claim. *Sierra On-line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984).

1 Plaintiff seeks injunctive relief for actions taken by prison officials at Kern Valley State  
2 Prison (“KVSP”) and California State Prison, Sacramento (“CSP-Sac”). However, Plaintiff is no  
3 longer incarcerated at KVSP and CSP-Sac pursuant to a notice of change of address filed on  
4 January 11, 2011. Doc.13. Plaintiff is currently incarcerated at High Desert State Prison. When  
5 an inmate seeks injunctive or declaratory relief concerning the prison where he is incarcerated,  
6 his claims for such relief become moot when he is no longer subjected to those conditions. *See*  
7 *Weinstein v. Bradford*, 423 U.S. 147, 149 (1975); *Dilley v. Gunn*, 64 F.3d 1365, 1368-69 (9th  
8 Cir. 1995). Plaintiff’s motions are thus moot.

9 Accordingly, it is HEREBY RECOMMENDED that Plaintiff’s motions for preliminary  
10 injunctive relief, filed November 9, 2010, and November 24, 2010, should be DENIED.

11 These Findings and Recommendations will be submitted to the United States District  
12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **eighteen**  
13 **(18) days** after being served with these Findings and Recommendations, the parties may file  
14 written objections with the Court. The document should be captioned “Objections to Magistrate  
15 Judge’s Findings and Recommendations.” The parties are advised that failure to file objections  
16 within the specified time may waive the right to appeal the District Court’s order. *Martinez v.*  
17 *Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

18 IT IS SO ORDERED.

19 **Dated: May 11, 2011**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE