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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JAMISI JERMAINE CALLOWAY,

12 Plaintiff,

13 vs.

14 M. D. BITER, et al.,

15 Defendants.
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1:13-cv-00747-GSA-PC

ORDER DENYING MOTION FOR
TRANSFER
(Doc. 9.)

17 **I. BACKGROUND**

18 Jamisi Jermaine Calloway ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
20 commencing this action on May 20, 2013. (Doc. 1.) On June 3, 2013, Plaintiff consented to
21 Magistrate Judge jurisdiction in this action pursuant to 28 U.S.C. § 636(c), and no other parties
22 have made an appearance. (Doc. 8.) Therefore, pursuant to Appendix A(k)(4) of the Local
23 Rules of the Eastern District of California, the undersigned shall conduct any and all
24 proceedings in the case until such time as reassignment to a District Judge is required. Local
25 Rule Appendix A(k)(3).

26 On September 26, 2013, Plaintiff filed a motion to be transferred to another prison.
27 (Doc. 9.)

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1 **II. MOTION FOR TRANSFER**

2 Plaintiff requests to be transferred out of the custody of Corcoran State Prison, where he
3 is incarcerated, and away from treatment by Davita Inc. Health Care at the California Substance
4 Abuse Treatment Facility, where he receives emergency medical care, to another facility,
5 because he is being retaliated against by officers employed at both facilities. The Court lacks
6 jurisdiction to issue an order requiring prison officials to transfer him based on acts occurring
7 after this action was filed, because the Court does not have such a case or controversy before it
8 in this action.¹ See Zepeda v. United States Immigration Service, 753 F.2d 719, 727 (9th Cir.
9 1985); City of Los Angeles v. Lyons, 461 U.S. 95, 102, 103 S.Ct. 1660, 1665 (1983); Valley
10 Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc., 454 U.S. 464,
11 471, 102 S.Ct. 752, 757-58 (1982). Therefore, Plaintiff's motion for transfer shall be denied.

12 **III. CONCLUSION**

13 Accordingly, based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's motion
14 for transfer is DENIED.

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18 IT IS SO ORDERED.

19 Dated: October 17, 2013

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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¹ Plaintiff is presently incarcerated at Corcoran State Prison in Corcoran, California. Plaintiff's
Complaint for this action concerns events which allegedly occurred at Kern Valley State Prison in Delano,
California, while Plaintiff was incarcerated there.