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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN WESLEY WILLIAMS,
Plaintiff,
v.
S. ALFARO, et al.,
Defendants.

Case No. 1:17-cv-01310-AWI-JLT (PC)

**FINDINGS AND RECOMMENDATIONS TO
DENY PLAINTIFF’S MOTION FOR
INJUNCTIVE RELIEF**

(Docs. 21)

FOURTEEN-DAY DEADLINE

The plaintiff has filed a motion for preliminary injunction and temporary restraining order. (Doc. 21.) At the time he filed it, he was housed at California State Prison in Corcoran, California (“CSP-Cor”), where he claims certain defendants have continued to deny his “transfer to another institution free of imminent danger treatment and conditions” in retaliation for plaintiff’s pursuit of inmate grievances. (See id. at 16.) Through his motion, plaintiff seeks an order directing these defendants to stop retaliating and to approve his transfer to another institution.

He filed a Notice of Change of Address shortly after filing the motion and indicates he is now housed at the Richard J. Donovan Correctional Facility (“RJD”) in San Diego, California. (Doc. 24.) Considering this, any request related to a transfer and plaintiff’s concerns about continued retaliation while housed at CSP-Cor are now moot. See Johnson v. Moore, 948 F.2d 517, 519 (9th Cir. 1991) (per curiam) (stating that transfer to another prison renders request for

1 injunctive relief concerning prison conditions moot absent some evidence of an expectation of
2 being transferred back).

3 Accordingly, the Court RECOMMENDS that plaintiff's motion for preliminary injunction
4 and temporary restraining order (Doc. 21) be DENIED.

5 These findings and recommendations will be submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within 14 days after
7 being served with the findings and recommendations, Plaintiff may file written objections with the
8 Court. The document should be captioned "Objections to Magistrate Judge's Findings and
9 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
10 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
11 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

12
13 IT IS SO ORDERED.

14 Dated: December 11, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE