

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MUJAHID IBN BURNEY, III,

Plaintiff,

No. CIV S-05-1849 FCD EFB P

vs.

JEAN WOODFORD, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

Plaintiff is a former prisoner, proceeding pro se, who seeks relief pursuant to 42 U.S.C. § 1983. On August 12, 2010, the court addressed defendant’s request that this case be dismissed on the ground of mootness in light of plaintiff’s release on parole. Dckt. No. 49. The court noted that this action proceeds against the Secretary of the California Department of Corrections and Rehabilitation, on plaintiff’s claim for injunctive relief to receive Halal foods. *Id.* The court noted that plaintiff’s parole likely mooted his claim for injunctive relief. *Id.* (citing *Nelson v. Heiss*, 271 F.3d 891, 897 (9th Cir. 2001) (“It is true that when a prisoner is moved from a prison, his action will usually become moot as to conditions at that particular facility.”)). The court ordered plaintiff to, within 21 days, show cause why this action should not be dismissed as moot. *Id.*


////

1 The 21 days have passed and plaintiff has not responded to the court's order. The court  
2 finds that in light of plaintiff's release on parole, his claim for injunctive relief to receive Halal  
3 foods while incarcerated, is now moot.

4 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed as moot.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, any party may file written  
8 objections with the court and serve a copy on all parties. Such a document should be captioned  
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
10 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 DATED: October 7, 2010.

13   
14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26