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

ANTHONY R. TURNER,

Plaintiff,

No. 2: 10-cv-1848 MCE KJN P

vs.

WARDEN SALINAS, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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Plaintiff is a state prisoner proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s motion for a temporary restraining order filed November 16, 2010. In this motion, plaintiff complains of conditions at the Deuel Vocational Institution (“DVI”). On November 19, 2010, plaintiff filed a notice of change of address indicating that he has been transferred to Pelican Bay State Prison (“PBSP”).

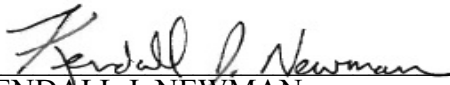
When an inmate seeks injunctive relief concerning an institution at which he is no longer incarcerated, his claims for such relief become moot. See Sample v. Borg, 870 F.2d 563 (9th Cir. 1989); Darring v. Kincheloe, 783 F.2d 874, 876 (9th Cir. 1986). See also Reimers v. Oregon, 863 F.2d 630, 632 (9th Cir. 1988). Accordingly, plaintiff’s motion for a temporary restraining order should be denied as moot.

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1 IT IS HEREBY RECOMMENDED that plaintiff's motion for a temporary  
2 restraining order (Dkt. No. 26) be denied.

3 These findings and recommendations are submitted to the United States District  
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-  
5 one days after being served with these findings and recommendations, plaintiff may file written  
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's  
7 Findings and Recommendations." Plaintiff is advised that failure to file objections within the  
8 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951  
9 F.2d 1153 (9th Cir. 1991).

10 DATED: December 2, 2010

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14 KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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