

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

WALTER HOWARD WHITE,

Plaintiff,

No. 2:12-cv-2868 MCE AC P

vs.

D. SMYERS, *et al.*,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff is a prisoner proceeding pro se who seeks relief pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s ex parte motion for a temporary restraining order, in which he seeks an order directing defendants to provide him with a pillow to support his back and neck, a back brace, and a wheelchair.<sup>1</sup> This motion was filed while plaintiff was housed at High Desert State Prison in Susanville, CA. Plaintiff has since been transferred to California Substance Abuse Treatment Facility in Corcoran, CA. See ECF No. 21. Plaintiff is advised that when an inmate seeks injunctive or declaratory relief concerning the prison where he is incarcerated, his claims for such relief become moot when he is no longer subjected to those

\_\_\_\_\_  
<sup>1</sup> Plaintiff’s ex parte application for temporary restraining order was initially reviewed on December 13, 2012 and found improper as to a number of requests. See ECF No. 12.

1 conditions. See Weinstein v. Bradford, 423 U.S. 147, 149 (1975); Dilley v. Gunn, 64 F.3d 1365,  
2 1368–69 (9th Cir. 1995). Accordingly, plaintiff’s ex parte motion will be denied as moot.  
3 Additionally, the court previously directed defendants to respond to plaintiff’s ex parte motion.  
4 ECF No. 12. However, since defendants have not yet appeared in this action and since the court  
5 is now denying as moot plaintiff’s ex parte motion, the court vacates its directive to the  
6 defendants.

7 Also pending is plaintiff’s motion for 90-day extension of time to file an amended  
8 complaint. Good cause appearing, this request will be granted.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Plaintiff’s ex parte application for temporary restraining order is denied as  
11 moot; and

12 2. Plaintiff’s motion for extension of time is granted. Plaintiff shall file an  
13 amended complaint on or before July 10, 2013. No further extensions of time will be granted.

14 DATED: May 10, 2013.

15  
16   
17 ALLISON CLAIRE  
18 UNITED STATES MAGISTRATE JUDGE

19 /mb;whit2868.tro2  
20  
21  
22  
23  
24  
25  
26