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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENICIO VELAQUEZ,
Plaintiff,
v.
J. ROBUSTELLI,
Defendant.

No. 2:16-cv-1131 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. Defendant is a Correctional Officer at the California Medical Facility. On December 19, 2016, plaintiff filed a motion asking that the court order that defendant not be permitted to work where plaintiff is housed. After plaintiff filed his motion, he was transferred to California State Prison, Sacramento. Therefore, plaintiff’s motion is moot. Preiser v. Newkirk, 422 U.S. 395, 402-03 (1975). Plaintiff argues the transfer was actually an act of retaliation for the filing of this lawsuit. While plaintiff might have basis to initiate a separate civil action based upon his transfer, it does not change the conclusion that plaintiff’s request for injunctive relief is moot.

In accordance with the above, IT IS HEREBY RECOMMENDED that plaintiff’s motion for a “restraining order” (ECF No. 20) be denied.

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1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
6 objections shall be served and filed within fourteen days after service of the objections. The
7 parties are advised that failure to file objections within the specified time may waive the right to
8 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: March 27, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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