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

JORGE NAHIM ESCUTIA
MENDOZA,

No. C 11-5393 WHA (PR)

Petitioner,

**ORDER DENYING MOTION FOR
TEMPORARY INJUNCTION**

v.

TERRI GONZALEZ,

(Docket No. 5)

Respondent.

_____/

Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2254. The petition was reviewed and respondent was ordered to show cause why it should not be granted. Respondent filed a motion to dismiss the petition as untimely, and petitioner’s opposition, if any, is due on April 6, 2012. Petitioner has filed a motion for a “temporary injunction” prohibiting prison officials from transferring him to a different institution. Prisoners have no constitutional right to incarceration in a particular institution. *Olim v. Wakinekona*, 461 U.S. 238, 244-48 (1983); *Rizzo v. Dawson*, 778 F.2d 527, 530 (9th Cir. 1985). "It is well settled that the decision where to house inmates is at the core of prison administrators' expertise." *McKune v. Lile*, 536 U.S. 24, 39 (2002). The constitution does not require prison officials to keep him at his current institution, therefore, so long as they adhere to the Eighth Amendment’s requirement that they take reasonable measures to guarantee


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his safety if he is transferred to a different institution. *See Farmer v. Brennan*, 511 U.S. 825, 832 (1994). Accordingly, the motion for a temporary restraining order (docket number 5) is

DENIED.

IT IS SO ORDERED.

Dated: March 28, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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