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

JEREMIAH JOHNSON,)	
)	
Plaintiff(s),)	No. C 13-0207 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
SHERIFF AHERN,)	(Docket # 4)
)	
Defendant(s).)	

While plaintiff was detained at the Alameda County Jail in Dublin, California, he filed the instant action for injunctive relief under 42 U.S.C. § 1983 seeking “a proper diet” and “music that does not contain hypnotic sexual suggestion.” But he recently informed the court that he is no longer incarcerated.

Plaintiff’s action for injunctive relief will be dismissed as moot because it is well-established that when an inmate is released from prison (or transferred to another prison) and, as is the case here, there is no reasonable expectation or demonstrated probability that he will again be subjected to the prison conditions from which he seeks injunctive relief, the claim for injunctive relief should be dismissed as moot. See Dilley v. Gunn, 64 F.3d 1365, 1368-69 (9th Cir. 1995).

The clerk shall enter judgment in accordance with this order and close the file. But based solely on his affidavit of poverty, plaintiff’s request to proceed in forma pauperis (docket #) 4) is granted.

SO ORDERED.

DATED: April 17, 2013



 CHARLES R. BREYER
 United States District Judge