

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 ROCCI FRANK GARRETT,

4 Plaintiff,

5 v.

6 LAURIE SMITH, et al.,

7 Defendants.
8

Case No. [16-cv-02864-JCS](#) (PR)

ORDER OF DISMISSAL

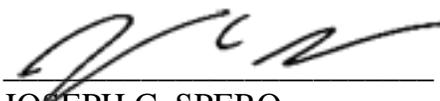
Dkt. No. 18

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10 Plaintiff's release from incarceration renders this action, which sought only
11 injunctive relief for access to prison program, moot. When an inmate is released from
12 prison or transferred to another prison and there is no reasonable expectation nor
13 demonstrated probability that he will again be subjected to the prison conditions from
14 which he seeks injunctive relief, the claims for injunctive relief should be dismissed as
15 moot. *Dilley v. Gunn*, 64 F.3d 1365, 1368-69 (9th Cir. 1995); *see also Alvarez v. Hill*, 667
16 F.3d 1061, 1064 (9th Cir. 2012) (same for claims for declaratory relief); *cf. Sadorski v.*
17 *Mosley*, 435 F.3d 1076, 1080 (9th Cir. 2006) (affirming dismissal of class claim for
18 injunctive relief because inmate was no longer incarcerated and therefore had no personal
19 stake in the outcome of this litigation) (citing *Flast v. Cohen*, 392 U.S. 83, 101 (1968)).

20 This action is DISMISSED. Defendants' motion for judgment on the pleadings
21 (Dkt. No. 18) is DENIED as moot. The Clerk shall terminate Dkt. No. 18, enter judgment
22 in favor of defendants, and close the file.

23 **IT IS SO ORDERED.**

24 **Dated:** April 17, 2017

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26 JOSEPH C. SPERO
27 Chief Magistrate Judge
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Plaintiff,
v.
LAURIE SMITH, et al.,
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Case No. [16-cv-02864-JCS](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 17, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rocci Frank Garrett ID: ID: DSO-358
Elmwood Correctional Facility
701 S. Abel Street
Milpitas, CA 95035

Dated: April 17, 2017

Susan Y. Soong
Clerk, United States District Court

By: Karen L. Hom
Karen Hom, Deputy Clerk to the
Honorable JOSEPH C. SPERO