

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TERRY R. COCHRANE,)
4)
5 Plaintiff,)
6 vs.)
7 NEVADA DEPARTMENT OF)
8 CORRECTIONS, et al.,)
9 Defendants.)

Case No.: 2:20-cv-00208-GMN-BNW

ORDER

10 Pending before the Court are pro se Plaintiff Terry Cochrane’s (“Plaintiff”) Motion for
11 Reconsideration, (ECF No. 17), and Motion Requesting Court Ruling, (ECF No. 21).

12 Plaintiff’s Motions are premised on Plaintiff’s contention that he is being denied medical
13 treatment while in the custody of Defendants that may or could cause death. However, Plaintiff
14 has been released from custody. (See Pl.’s Notice of Change of Address, ECF No. 26). The
15 legal principles applicable to requests for injunctive relief, such as a temporary restraining
16 order, are well established. To prevail, a plaintiff must show that irreparable injury is likely in
17 the absence of an injunction. See Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
18 (citing Winter v. Natural Res. Def. Council, Inc., 129 S.Ct. 365 (2008)). Under Winter, the
19 proper test requires a party to demonstrate: (1) he is likely to succeed on the merits; (2) he is
20 likely to suffer irreparable harm in the absence of an injunction; (3) the balance of hardships
21 tips in his favor; and (4) an injunction is in the public interest. See Stormans, 586 F.3d at 1127
22 (citing Winter, 129 S.Ct. at 374).

23 However, a prisoner’s release from custody generally renders moot claims for injunctive
24 relief because “the released inmate is no longer subject to the prison conditions or policies he
25 challenges.” Alvarez v. Hill, 667 F.3d 1061, 1064 (9th Cir. 2011) (citations omitted); Hartmann

1 *v. Cal. Dept. of Corr. & Rehab.*, 707 F.3d 1114, 1119 n.1 (9th Cir. 2013). Therefore, Plaintiff's
2 Motions became moot upon his release from custody and must be **DENIED**.

3 Also pending before the Court is Plaintiff's non-prisoner Application for Leave to
4 Proceed in Forma Pauperis, (ECF No. 9). Based on the financial information provided therein,
5 the Court **GRANTS** Plaintiff leave to proceed without prepayment of fees or costs pursuant to
6 28 U.S.C. § 1915(a)(1).

7 **I. CONCLUSION**

8 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Reconsideration, (ECF No. 17),
9 and Motion Requesting Court Ruling, (ECF No. 21), are **DENIED as moot**.

10 **IT IS FURTHER ORDERED** that Plaintiff's Application for Leave to Proceed in
11 Forma Pauperis, (ECF No. 9), is **GRANTED**.

12 **DATED** this 16 day of October, 2020.

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16 Gloria M. Navarro, District Judge
17 United States District Court
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