

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

BILLY ROGERS,  
Plaintiff,

vs

OFFICER SHOSTAK, et al.,  
Defendants.

Case No. 1:14-cv-213

Barrett, J.  
Litkovitz, M.J.

**ORDER AND REPORT  
AND RECOMMENDATION**

This matter is before the Court on plaintiff's motion for a temporary restraining order and/or preliminary injunction in connection with a prisoner civil rights complaint brought under 42 U.S.C. § 1983 (Doc. 15) and defendant Officer Shostak's motion for extension of time to respond to plaintiff's motion (Doc. 25).

In his motion for a temporary restraining order and/or preliminary injunction, plaintiff alleges that defendants and other staff at the Warren Correctional Institution are harassing and making death threats against him in retaliation for filing the instant lawsuit. (Doc. 15, p. 1). Given the serious nature of plaintiff's allegations, the Court ordered defendants on April 28, 2014, to file a response to plaintiff's motion for a temporary restraining order and/or preliminary injunction within fourteen (14) days. (Doc. 21).

On May 5, 2014, the Court received plaintiff's notice of change of address. Plaintiff has been transferred from the Warren Correctional Institution to the Trumbull Correctional Institution (TCI) in Leavittsburg, Ohio and is now residing at TCI. (Doc. 24).

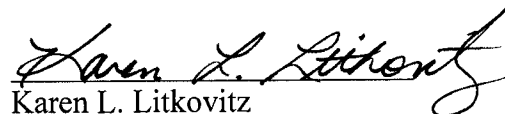
In light of plaintiff's transfer to TCI, his claims for injunctive relief are moot because he no longer resides at the Warren Correctional Institution. *See Cardinal v. Metrish*, 564 F.3d 794, 798-99 (6th Cir. 2009) (citing *Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996) (holding prisoner's claim for

injunctive and declaratory relief mooted by his transfer to new facility). *See also Abdur-Rahman v. Mich. Dept. of Corrections*, 65 F.3d 489, 491 (6th Cir. 1995). “Mootness results when events occur during the pendency of the litigation which render the court unable to grant the requested relief.” *Berger v. Cuyahoga County Bar Ass’n*, 983 F.2d 718, 724 (6th Cir. 1993) (citing *Carras v. Williams*, 807 F.2d 1286, 1289 (6th Cir. 1986)). Accordingly, the Court is without jurisdiction to grant plaintiff the injunctive relief he seeks because the defendants and staff at the Warren Correctional Institution are no longer responsible for plaintiff’s safety while he is incarcerated.<sup>1</sup>

**IT IS THEREFORE ORDERED** that defendant’s motion for extension of time to respond to plaintiff’s motion for a temporary restraining order and/or preliminary injunction (Doc. 25) is **DENIED** as moot.

**IT IS THEREFORE RECOMMENDED** that plaintiff’s motion for a temporary restraining order and/or preliminary injunction (Doc. 15) be **DENIED** as moot.

Date: 5/12/14

  
Karen L. Litkovitz  
United States Magistrate Judge

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<sup>1</sup>The Court notes that the transfer to TCI does not moot plaintiff’s claims for monetary relief.

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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