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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KAREN HILL and DAVID HILL,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

CASE NO. C08-5202BHS

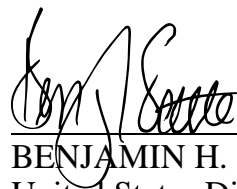
ORDER OF DISMISSAL

This matter comes before the Court sua sponte. On March 31, 2009, the Court issued an order adopting the Report and Recommendation of the Honorable Karen L. Strombom in part and dismissing all of Plaintiffs’ claims except for their claim seeking injunctive relief. Dkt. 47. The Court did not reach the issue of whether Plaintiffs’ claim for injunctive relief should proceed because the challenged policy had been revised after Plaintiffs filed their complaint. *Id.* at 8. The Court allowed Plaintiffs additional briefing regarding “the question of whether they are entitled to injunctive relief under the current [Department of Corrections] Policy.” *Id.* at 9. The Court provided Plaintiffs with a deadline of May 1, 2009, to address this issue. *Id.* Plaintiffs have not filed briefing regarding this issue, nor have Plaintiffs amended their complaint to add a claim seeking relief based on the current DOC Policy. Therefore, Plaintiffs have not asserted a claim based on the revised policy.

1 The Court concludes that Plaintiffs' claim for injunctive relief must be dismissed
2 as moot because the challenged policy has been revised. As Plaintiffs pointed out in their
3 objection to the Report and Recommendation, the current DOC Policy makes eligible
4 certain spouses who marry inmates post-conviction.

5 Therefore, it is hereby **ORDERED** that Plaintiffs' claim for injunctive relief is
6 **DISMISSED WITHOUT PREJUDICE**, and this action is **DISMISSED**.

7 DATED this 19th day of May, 2009.

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11 BENJAMIN H. SETTLE
12 United States District Judge
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