

AUG 04 2016

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U.S. COURT OF APPEALS

## NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LANCE R. MARTIN,

Plaintiff - Appellant,

v.

T. HARRINSTON, Correctional Officer at  
RJD-San Diego; et al.,

Defendants - Appellees.

No. 15-56152

D.C. No. 3:14-cv-02914-BEN-  
PCL

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Submitted July 26, 2016\*\*

Before: SCHROEDER, CANBY, and CALLAHAN, Circuit Judges.

Former California state prisoner Lance R. Martin appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging various claims arising from defendants' interference with his outgoing mail. We have

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

jurisdiction under 28 U.S.C. § 1291. We dismiss the appeal as moot.

In his operative second amended complaint, Martin sought only declaratory and injunctive relief regarding his mail. On May 5, 2016, this court received a letter from Martin indicating that he had been released from prison. Because Martin is no longer incarcerated, this appeal is moot. *See Alvarez v. Hill*, 667 F.3d 1061, 1064 (9th Cir. 2012) (an inmate's release from prison generally will moot any pending claims for declaratory or injunctive relief because the inmate is no longer subject to the challenged prison conditions or policies).

In light of our disposition, we do not consider Martin's contentions regarding the merits of his claims.

**DISMISSED.**