

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 17 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOSEPH AUGUST MARSALA,

No. 22-16260

Plaintiff-Appellant,

D.C. No. 1:22-cv-00843-DAD-
BAM

v.

RALPH DIAZ, Secretary of CDCR until late
2020; KATHLEEN ALLISON, Director of
CDCR until late 2020; PATRICK EATON,
Warden; T. ALLEN, Chief Deputy Warden;
T. WILLIAMS, Appeals Coordinator;
KEITH ROBINSON, Food Managers'
Overseer for CDCR; H. VALENCIA, Food
Manager II; LUTHER, Culinary Cook's
Supervisor; STEVE SMITH, Dr.;
SINCLAIR, Dr., Chief Medical Officer,

MEMORANDUM*

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

California state prisoner Joseph August Marsala appeals pro se from the district court's order denying his motions for a preliminary injunction in his 42 U.S.C. § 1983 action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1292(a)(1). We dismiss the appeal.

We dismiss this appeal as moot because in November 2022, during the pendency of this appeal, Marsala notified this court that he was transferred to San Quentin State Prison. *See Dilley v. Gunn*, 64 F.3d 1365, 1368 (9th Cir. 1995) (explaining that a prisoner's transfer to a different state prison moots claims for injunctive relief absent certain exceptions).

The district court is instructed to proceed with screening the complaint under 28 U.S.C. § 1915A.

DISMISSED.