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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO SANCHEZ OCHOA,

Plaintiff-Appellee,

v.

ED W. CAMPBELL, Director of Yakima
County Department of Corrections;
SCOTT HIMES, Chief of the Yakima
County Department of Corrections;
YAKIMA COUNTY,

Defendants-Appellants.

No. 17-35679

D.C. No. 1:17-cv-03124-SMJ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Salvador Mendoza, Jr., District Judge, Presiding

Argued and Submitted March 9, 2018
Seattle, Washington

Before: RAWLINSON and CLIFTON, Circuit Judges, and FREUDENTHAL,**
Chief District Judge.

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

** The Honorable Nancy Freudenthal, Chief United States District Judge for the District of Wyoming, sitting by designation.

Defendants-Appellants Ed W. Campbell, Scott Himes, and Yakima County (collectively, the County) appeal the district court's order granting Plaintiff-Appellee Antonio Sanchez Ochoa's (Sanchez Ochoa) request for a temporary restraining order (TRO). The TRO required that the County: remove a notation from its online jail roster indicating that Sanchez Ochoa was being detained pursuant to an immigration hold; physically release Sanchez Ochoa should he post bond on his state charges; and refrain from relying on an administrative warrant to hold or otherwise communicate to third parties that Sanchez Ochoa was being held due to his immigration status. Reviewing subject matter jurisdiction *de novo*, including questions of mootness, we dismiss the case as moot and vacate the TRO. *See Diaz v. First Am. Home Buyers Prot. Corp.*, 732 F.3d 948, 951 (9th Cir. 2013) (citation omitted).

Following the district court's entry of the TRO, Sanchez Ochoa posted bond and left the Yakima County Jail. Outside the jail, federal immigration authorities apprehended Sanchez Ochoa and took him into custody.

At oral argument, plaintiff's counsel represented to the Court that Sanchez Ochoa has been deported, and the state criminal charges have been resolved. These factual circumstances have removed any actual or live controversy between the parties, as enforcement of the TRO can no longer provide Sanchez Ochoa any

relief. Thus, this appeal has been rendered moot. *See Bishop Paiute Tribe v. Inyo Cty.*, 863 F.3d 1144, 1155 (9th Cir. 2017).

**APPEAL DISMISSED. INJUNCTION (TEMPORARY
RESTRAINING ORDER) VACATED.**