

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

February 15, 2012

Lyle W. Cayce
Clerk

No. 11-40616
Summary Calendar

CARLOS KIDD,

Plaintiff-Appellant

v.

RICK THALER, DIRECTOR, TDCJ; RALPH BALES, Prisoner Rape Elimination Act Ombudsman; BRAD LIVINGSTON, Executive Director TDCJ; NATHANIEL QUARTERMAN, Institutional Director; STATE CLASSIFICATION COMMITTEE; REGION 1 DIRECTOR TEXAS DEPARTMENT OF CRIMINAL JUSTICE; D. MORRIS, Assistant Region 1 Director; LYNN SHARPE, Safe Prisons Program Coordinator; CODY GINSEL, Senior Warden; G. CURRIE, Assistant Warden; S. MILLER, Assistant Warden; K. WILLIAMS, Unit Classification Chief; MAJOR BRYANT, Major; KRIS C. COLLINS, Captain; TOD N. ALLEN, Captain; SANDIE M. VINCENT, Lieutenant; RICHARD A. ADCOCK, Lieutenant; EDWARD B. SELLS, Lieutenant; CHRISTOPHER L. NORSWORTHY, Sergeant; ROGELIO A. GARCIA, Sergeant; ROYCE D. JACKSON, Sergeant; TONYA BUTLER, Sergeant; JASON L. ODOM, Sergeant; JOHNNY L. MILLS, Sergeant; PATRICE GOODMAN, Sergeant; PHILIP R. WHIGHAM, Sergeant; ANDREW D. YANOCK, Sergeant; OFFICER NEAL, Correctional Officer V; CLINTON A. ARD, Correctional Officer IV; MYRON BADGER, Correctional Officer II; JOSEPH A. CLARK, JR., Correctional Officer II; JEREMIAH D. COULTER, Correctional Officer II; CARLOS A. DELGADO, Correctional Officer III; JUSTIN E. ANDRESS, Correctional Officer I; CHERYL A. GORDON, Correctional Officer III; BILLY MCGUIRE, Correctional Officer II; ALICE MAGEE, Correctional Officer IV; DETRA A. MONROE, Correctional Officer III; JOHN A. SCROGGINS, Correctional Officer III,

Defendants-Appellees

No. 11-40616

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:11-CV-18

Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Carlos Kidd, Texas prisoner # 1079464, filed a civil action, pursuant to 42 U.S.C. § 1983, alleging threats to his life and safety on the Gib Lewis Unit. He now appeals the district court's denial of his motion for a mandatory injunction. During the pendency of this interlocutory appeal, the district court dismissed Kidd's § 1983 action. The court's dismissal of Kidd's § 1983 action as well as Kidd's transfer from the Gib Lewis Unit render his instant interlocutory appeal moot. *See* 11A Charles Alan Wright Et Al., Federal Practice & Procedure § 2947 at 126 n.19 (2d ed. 1995) (citing *Venezia v. Robinson*, 16 F.3d 209, 211 (7th Cir. 1994)); *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001).

Accordingly, Kidd's interlocutory appeal, which challenges only the denial of injunctive relief, is DISMISSED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.