

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 08-1959

Walter Andrew Smith,

Appellant,

v.

Mark Lund; Steve Jenkins; Shawn
Howard; Shelly Barton; John Baldwin;
Forrest Alderman; Cheryl Lockwood;
Jim Payne; Brad Richards,

Appellees.

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* Appeal from the United States
* District Court for the
* Southern District of Iowa.
* [UNPUBLISHED]
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Submitted: May 7, 2009
Filed: May 12, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Walter Smith appeals the district court's¹ preservice dismissal of his 42 U.S.C. § 1983 complaint, in which he complained of conditions at Clarinda Correctional Facility where he was housed. During the pendency of this appeal, he was transferred to another institution. Therefore, Smith's claims for injunctive relief are moot, see

¹The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

Smith v. Hundley, 190 F.3d 852, 855 (8th Cir. 1999), and he may not recover damages for Eighth Amendment violations because he did not allege harm to himself, see Berryhill v. Schriro, 137 F.3d 1073, 1076-77 (8th Cir. 1998); Phipps v. FDIC, 417 F.3d 1006, 1010 (8th Cir. 2005). Further, his claim of retaliatory discipline fails because it was imposed for an actual violation of prison rules. See Earnest v. Courtney, 64 F.3d 365, 367 (8th Cir. 1995) (per curiam). Finally, we agree with the district court that Smith may not bring the claims of other inmates, see Martin v. Sargent, 780 F.2d 1334, 1337 (8th Cir. 1985); we reject his argument that he should have been allowed to amend his complaint (a second time), because he did not seek leave to do so, see Popoalii v. Corr. Med. Servs., 512 F.3d 488, 497 (8th Cir. 2008); and we deny his pending motions.

Accordingly, we affirm. See 8th Cir. R. 47B.
