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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SHAWN FRANCIS,

Plaintiff - Appellee,

v.

M.D. STEVEN HAMMOND, Chief Medical Officer, Washington Department of Corrections, in his individual and official capacities; M.D. SARA SMITH, Facility Medical Director, Stafford Creek Corrections Center, in her individual and official capacities; M.D. J DAVID KENNEY, Stafford Creek Corrections Center, in his individual capacity; BERNARD WARNER, Secretary, Washington Department of Corrections, in his individual and official capacities; BRANDON WELLS, Correctional Officer, Airway Heights Corrections Center, in his individual capacity; MARTHA HAYES, Correctional Officer, Airway Heights Corrections Center, in her individual capacity; WASHINGTON DEPARTMENT OF CORRECTIONS,

Defendants - Appellants.

No. 13-35317

D.C. No. 3:12-cv-06023-RBL-JRC

MEMORANDUM*

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

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Argued and Submitted November 4, 2013
Seattle, Washington

Before: SCHROEDER, PAEZ, and BERZON, Circuit Judges.

Plaintiff-Appellee Shawn Francis brought the underlying action against prison doctors and officials for deliberate indifference to the plaintiff's serious medical needs in violation of the Eighth Amendment. This appeal is from a district court order granting the plaintiff's motion for a preliminary injunction ordering the defendants to send Francis to an orthopedic specialist for evaluation of his right shoulder.

At oral argument the parties advised the court that this injunction has now been complied with. This appeal is therefore moot and must be dismissed because the plaintiff has received the relief that was ordered. *See Honig v. Students of the Cal. Sch. for the Blind*, 471 U.S. 148, 149 (1985). The dismissal of this preliminary injunction appeal does not affect the underlying district court action.

DISMISSED.