

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BILLY G. ASEMANI, # 339096

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Plaintiff

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v

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Civil Action No. RDB-13-3133

AVA JOUBERT,
WEXFORD HEALTH SERVICES,

*

*

Defendants

MEMORANDUM OPINION

This Court construed Plaintiff Billy G. Asemani's Complaint and Motion for Injunctive Relief (ECF 1) as requiring an expedited response. Wexford Health Sources Inc., by their counsel responded and Asemani has filed a reply. No hearing is needed to resolve the issues as both parties indicate the claim presented is moot. (ECF 3-4, 15, and 16). Accordingly, this case will be DISMISSED as moot.

DISCUSSION

On October 22, 2013, Asemani filed a Complaint and Motion for Injunctive Relief, alleging that Defendant Ava Joubert, M.D.'s decision not to renew/and or revoke his wheelchair pass subjected him to him immediate danger of harm because he is unable to walk more than fifty yards with crutches and his ability to ambulate is further restricted due to shingles and carpal tunnel syndrome. (ECF 1). Asemani sought seeking a preliminary injunction to require Defendants to restore the use of a wheelchair. *Id.*

Defendants responded with verified exhibits showing Asemani's wheelchair use was renewed on November 6, and 7, 2013, for six months for distances greater than fifty yards, and requested dismissal of this case as moot. ECF 3- 4 and 15. In view of Defendants' substantive

response, the Court determined Asemani of its intention to treat it as a Motion for Summary Judgment, and notified the self-represented Plaintiff that he was entitled to file an opposition with materials in support. (ECF 6-7). Asemani subsequently filed a Reply, acknowledging he has received the relief he requested and stating “no further litigation is necessary.” (ECF 16 at 3).

CONCLUSION

Asemani has received the relief sought in his Complaint and this case will be dismissed as moot by separate Order.

January 14, 2014
Date

_____/s/_____
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE