

the Lufkin Division for the Eastern District of Texas as venue as to this motion was not proper in the Texarkana Division.² This severance and transfer resulted in the above-referenced civil action no. 9:18cv168.

Plaintiff's Motion Requesting Immediate Injunction For Cause by Eastham Unit Officials is now pending before this Court (docket entry no. 2).³ Plaintiff, however, is still presently incarcerated at the Michael Unit.⁴

Discussion

Plaintiff's motion is governed by Rule 65 of the Federal Rules of Civil Procedure. A temporary restraining order and/or preliminary injunction is typically granted, pending trial on the merits, to prevent irreparable injury that may result before a dispositive trial. *Shanks v. City of Dallas, Texas*, 752 F.2d 1092, 1096 (5th Cir. 1985). The measures are designed to protect, for example, the status quo of the parties or the evidence the movant will need to use at trial to litigate his claims. To grant or deny a preliminary injunction is within the discretion of the trial court. *Apple Barrel Productions, Inc. v. Beard*, 730 F.2d 384, 386 (5th Cir. 1984).

The Fifth Circuit has explained, however, that “[t]he transfer of a prisoner out of an institution often will render his claims for injunctive relief moot.” *Oliver v. Scott*, 276 F.3d 736, 741 (5th Cir 2002); *accord Hooten v. Jenne*, 786 F.2d 692, 697 n. 6 (5th Cir. 1986) (per curiam). When a motion for injunctive relief is moot, then dismissal of the claim is proper. *Hooten*, 786 F.2d at 697 n. 6.

²The Eastham Unit is located in Houston County, Texas which is within the boundaries of the Lufkin Division for the Eastern District of Texas.

³The Clerk of Court entitled plaintiff's motion as a Motion for Preliminary Injunction.

⁴<https://offender.tdcj.texas.gov/OffenderSearch/offenderDetail.action?sid=04896645>.

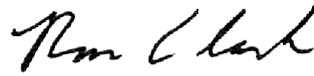
As previously stated, plaintiff is no longer incarcerated at the Eastham Unit. As such, his motion for injunctive relief is moot.

ORDER

Based on the foregoing, Plaintiff's Motion for Preliminary Injunction (docket entry no. 2) is **DENIED** as **MOOT** and dismissal of this claim is proper. A Final Judgment will be entered separately in accordance with this Memorandum Opinion and Order.

So Ordered and Signed

Nov 14, 2018



Ron Clark, Senior District Judge