

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

APR 09 2010

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

<b>JOHNATHAN LEE X SMITH,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:09-cv-00097</b>
	)	
v.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	
<b>WARDEN DILLMAN, et al.,</b>	)	<b>By: Samuel G. Wilson</b>
<b>Defendants.</b>	)	<b>United States District Judge</b>

Plaintiff, Johnathan Lee X Smith, formerly an inmate at the Green Rock Correctional Facility (“Green Rock”), brings this action for injunctive and declaratory relief and damages pursuant to 42 U.S.C. § 1983, alleging that the defendants (various Green Rock officials), failed to provide him with adequate medical care. Smith has apprised the court that he has been transferred from Green Rock to Greensville Correctional Center (“Greensville”).<sup>1</sup> Because Smith has been transferred, the court finds that his claims for injunctive and declaratory relief against the Green Rock correctional officials are moot and dismisses those claims without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Accordingly, only Smith’s damage claims remain.

I.

Smith asks the court to issue a declaration that the defendants violated his constitutional rights and he seeks an injunction requiring them to transport him to an off-site medical facility to provide him with certain medical care, and forbidding them from assigning him to a top bunkbed. The court finds that Smith’s transfer to another facility has mooted his claims for injunctive and declaratory relief against the Green Rock correctional officials.<sup>2</sup>

---

<sup>1</sup> The court notes that Greensville Correctional Center is located in Greensville County, which is in the Eastern District of Virginia.

<sup>2</sup> The court notes that all of the named defendants are associated with Green Rock, where plaintiff’s claims arose, but not Greensville, where plaintiff is currently housed. Defendant Jeffrey Dillman is the Warden at Green Rock. Defendant C. Mayes is the Director of Nurses at Green Rock. Defendant Dr. Laurence Wang is a doctor at Green Rock.

The jurisdiction of federal courts is limited to live cases or controversies. U.S. Const. art. III, § 1. When a claim no longer presents a viable legal issue to resolve, the claim becomes moot. Powell v. McCormack, 395 U.S. 486, 496 (1969). If developments occur during the course of a case which render the court unable to grant a party the relief requested, the claim(s) must be dismissed as moot. Blanciak v. Allegheny Ludlum Co., 77 F.3d 690, 698-99 (3d Cir. 1996). The transfer or release of a prisoner generally renders moot any claims for injunctive or declaratory relief relating to the former place of confinement. See County of Los Angeles v. Davis, 440 U.S. 625, 631 (1979); Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991) (prisoner's transfer rendered moot his claims for injunctive and declaratory relief); Magee v. Waters, 810 F.2d 451, 452 (4th Cir. 1987) (holding that transfer of a prisoner rendered moot his claim for injunctive relief); Taylor v. Rogers, 781 F.2d 1047, 1048 n.1 (4th Cir. 1986) (holding that transfer made moot claim for injunctive relief); Ross v. Reed, 719 F.2d 689, 693 (4th Cir. 1983); Martin-Trigona v. Shiff, 702 F.2d 380, 386 (2d Cir. 1983) ("The hallmark of a moot case or controversy is that the relief sought can no longer be given or is no longer needed.").

In this case, Smith has been transferred to Greensville and, therefore, no longer requires an injunction directing the Green Rock defendants to provide him with the medical treatment he seeks or a declaration that they violated his rights. Accordingly, the court finds that plaintiff's claims for declaratory and injunctive relief against the named defendants are now moot.<sup>3</sup>

---

Defendant T. Cobbs is the Assistant Director of Nurses at Green Rock. Defendant O. Chambers is the Grievance Coordinator at Green Rock. Defendant A. Tucker is the Medical Secretary at Green Rock. Defendant V.S. Gray is the Operations Officer at Green Rock. Defendant Pickerel is the Assistant Warden at Green Rock. Defendant Lt. Lynchard is a Shift Commander at Green Rock. Defendant Crowder-Austin is a Western Region Ombudsman.

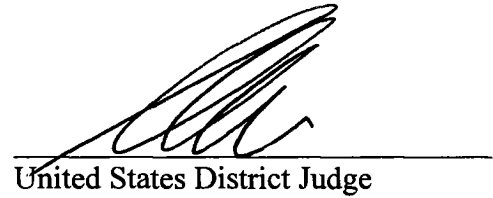
<sup>3</sup> The court notes that if plaintiff believes that he is still not receiving adequate medical treatment at Greensville, he may refile his claims against the appropriate defendants in a separate civil rights action in the appropriate court, after he has fully exhausted his administrative remedies at Greensville. The court further notes that, inasmuch as Greensville is located in Greensville County, a § 1983 action against Greensville defendants would be appropriately filed in the U.S. District Court for the Eastern District of Virginia.

**III.**

For the reasons stated, the court will dismiss Smith's claims for declaratory and injunctive relief without prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

The Clerk of the Court is directed to send a certified copy of this Memorandum Opinion and Order to plaintiff.

ENTER: This 9th of April, 2010.



United States District Judge