

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

TIMOTHY STONE,)	
)	
Plaintiff,)	Case No. 7:17CV00101
)	
v.)	OPINION AND ORDER
)	
DUFFIELD JAIL-MEDICAL, ET AL.,)	By: James P. Jones
)	United States District Judge
)	
Defendants.)	

Timothy Stone, Pro Se Plaintiff.

The plaintiff, Timothy Stone, a Virginia inmate proceeding pro se, filed this prisoner civil rights action under 42 U.S.C. § 1983 about his medical care in jail, among other things. By separate order entered April 10, 2017, ECF No. 11, the court has granted Stone an opportunity to file an Amended Complaint to correct certain pleading deficiencies. At this time, however, Stone’s recent motion seeking preliminary injunctive relief related to his safety must be dismissed as moot.

At the time Stone filed his motion, he was incarcerated at the jail facility operated by the Southwest Virginia Regional Jail Authority (“SVRJA”) in Duffield, Virginia (“the Duffield jail”). Stone alleged that on March 30, 2017, two other inmates had verbally threatened to beat him up and put him in the hospital,

making him fear that he was in danger of being badly hurt or killed at the Duffield jail. As relief, he sought a transfer. By Order entered April 7, 2017, ECF No. 7, I construed Stone's submission as a Motion for Preliminary Injunctive Relief and directed the superintendent of the Duffield jail to respond in seven days. He has now filed an affidavit, addressing Stone's safety concerns. He states that after receiving my Order on April 7, the superintendent transferred Stone to the separate SVRJA jail facility in Haysi, Virginia. Stone has also informed the court of his new address at the Haysi jail.

As a general rule, an inmate's transfer from a particular facility moots his claims for injunctive relief with respect to his incarceration there. *See Incumaa v. Ozmint*, 507 F.3d 281, 286–87 (4th Cir. 2007); *see also Williams v. Griffin*, 952 F.2d 820, 823 (4th Cir. 1991) (transfer rendered moot a prisoner's claims for injunctive and declaratory relief, but not claims for damages). Because Stone has been transferred, he is no longer confined at the jail facility under the defendants' supervision and is no longer subject to the conditions that he believed were unsafe.

Therefore, it is **ORDERED** that the plaintiff's Motion for Preliminary Injunctive Relief (ECF No. 7) is DENIED as moot. His claims for monetary damages may go forward, provided that he files an Amended Complaint correcting the deficiencies noted in the court's separate order of April 10, 2017.

ENTER: April 14, 2017

/s/ James P. Jones
United States District Judge