

JAN 22 2018

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

ANDREW ALLAN SMITH,

Plaintiff,

v.

LT. BEVERLY ROSE, et al.,

Defendant(s).

)  
) Case No. 7:17CV00493

)  
)  
)  
) MEMORANDUM OPINION

)  
)  
) By: Hon. Glen E. Conrad  
) Senior United States District Judge

Plaintiff Andrew Allan Smith, a Virginia inmate proceeding pro se, has filed this civil rights action under 42 U.S.C. § 1983. He alleges that the Southwest Virginia Regional Jail Authority facility in Haysi, Virginia (“the jail”), unlawfully bars inmates from receiving free religious publications. After review of the record, the court concludes that the lawsuit must be dismissed as moot.

The jurisdiction of federal courts is limited to live cases or controversies. U.S. Const. art. III, § 1. If developments occur during the course of a case which render the court unable to grant a party the relief requested, the claims must be dismissed as moot. Blanciak v. Allegheny Ludlum Corp., 77 F.3d 690, 698-99 (3d Cir. 1996). A prisoner’s release from a particular prison moots his claims for injunctive and declaratory relief with respect to his incarceration there. See Incumaa v. Ozmint, 507 F.3d 281, 286-87 (4th Cir. 2007); Williams v. Griffin, 952 F.2d 820, 823 (4th Cir.1991).

As relief in this lawsuit, Smith seeks only injunctive and/or declaratory relief directing jail officials to amend the regulations regarding incoming religious publications. He has notified the court, however, that he was released from the jail in late December 2017. As such, his claims

seeking change to conditions at the jail are now moot. For that reason, the court must dismiss his case without prejudice. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to plaintiff.

ENTER: This 22<sup>d</sup> day of January, 2018.

  
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Senior United States District Judge