

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10932  
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RICKEY DALE ALLEN,

Plaintiff-Appellant,

versus

JIMMY DON BOYDSTON, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Northern District of Texas  
(2:93-CV-112)

S)))))))))Q

(May 11, 1995)

Before GARWOOD and BARKSDALE, Circuit Judges, and BRAMLETTE,\*  
District Judge.\*\*

PER CURIAM:

The plaintiff was transferred out of the institution to which his complaints related nearly a year before the magistrate judge's report and recommendation was issued. Under the circumstances, the

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\* District Judge of the Southern District of Mississippi, sitting by designation.

\*\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

claims for injunctive and declaratory relief were mooted. Plaintiff's allegations, as clarified in the hearing under *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), held after his transfer, do not suggest that any actual injury or harm was suffered by him. We find no abuse of discretion in the dismissal under 28 U.S.C. § 1915(d).

AFFIRMED.