

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

February 15, 2012

Lyle W. Cayce  
Clerk

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No. 11-40616  
Summary Calendar

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CARLOS KIDD,

Plaintiff-Appellant

v.

RICK THALER, DIRECTOR, TDCJ; RALPH BALES, Prisoner Rape Elimination Act Ombudsman; BRAD LIVINGSTON, Executive Director TDCJ; NATHANIEL QUARTERMAN, Institutional Director; STATE CLASSIFICATION COMMITTEE; REGION 1 DIRECTOR TEXAS DEPARTMENT OF CRIMINAL JUSTICE; D. MORRIS, Assistant Region 1 Director; LYNN SHARPE, Safe Prisons Program Coordinator; CODY GINSEL, Senior Warden; G. CURRIE, Assistant Warden; S. MILLER, Assistant Warden; K. WILLIAMS, Unit Classification Chief; MAJOR BRYANT, Major; KRIS C. COLLINS, Captain; TOD N. ALLEN, Captain; SANDIE M. VINCENT, Lieutenant; RICHARD A. ADCOCK, Lieutenant; EDWARD B. SELLS, Lieutenant; CHRISTOPHER L. NORSWORTHY, Sergeant; ROGELIO A. GARCIA, Sergeant; ROYCE D. JACKSON, Sergeant; TONYA BUTLER, Sergeant; JASON L. ODOM, Sergeant; JOHNNY L. MILLS, Sergeant; PATRICE GOODMAN, Sergeant; PHILIP R. WHIGHAM, Sergeant; ANDREW D. YANOCK, Sergeant; OFFICER NEAL, Correctional Officer V; CLINTON A. ARD, Correctional Officer IV; MYRON BADGER, Correctional Officer II; JOSEPH A. CLARK, JR., Correctional Officer II; JEREMIAH D. COULTER, Correctional Officer II; CARLOS A. DELGADO, Correctional Officer III; JUSTIN E. ANDRESS, Correctional Officer I; CHERYL A. GORDON, Correctional Officer III; BILLY MCGUIRE, Correctional Officer II; ALICE MAGEE, Correctional Officer IV; DETRA A. MONROE, Correctional Officer III; JOHN A. SCROGGINS, Correctional Officer III,

Defendants-Appellees

No. 11-40616

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:11-CV-18

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Before BENAVIDES, STEWART, and HIGGINSON, Circuit Judges.

PER CURIAM:\*

Carlos Kidd, Texas prisoner # 1079464, filed a civil action, pursuant to 42 U.S.C. § 1983, alleging threats to his life and safety on the Gib Lewis Unit. He now appeals the district court's denial of his motion for a mandatory injunction. During the pendency of this interlocutory appeal, the district court dismissed Kidd's § 1983 action. The court's dismissal of Kidd's § 1983 action as well as Kidd's transfer from the Gib Lewis Unit render his instant interlocutory appeal moot. *See* 11A Charles Alan Wright Et Al., Federal Practice & Procedure § 2947 at 126 n.19 (2d ed. 1995) (citing *Venezia v. Robinson*, 16 F.3d 209, 211 (7th Cir. 1994)); *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001).

Accordingly, Kidd's interlocutory appeal, which challenges only the denial of injunctive relief, is DISMISSED.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.