

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

United States Court of Appeals
Fifth Circuit

FILED

December 14, 2018

Lyle W. Cayce
Clerk

No. 17-40171
Summary Calendar

RICKY BARNARD JUSTICE,

Plaintiff-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION; WARDEN HARRIS; CORRECTIONS OFFICER MCKINNEY; CORRECTIONS OFFICER LEBEAU; CORRECTIONS OFFICER CROFT; CAPTAIN BOLTON; SERGEANT WATSON; SERGEANT DAMIAN; CORRECTIONS OFFICER FLACK; REGISTERED NURSE HENRY; UNIVERSITY OF TEXAS MEDICAL BRANCH GALVESTON; CORRECTIONS OFFICER GIDEON; CORRECTIONS OFFICER ADAMS; WARDEN HUNTER; MAJOR DICKENS,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:16-CV-167

Before REAVLEY, JONES, and HIGGINSON, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 17-40171

On limited remand from this court, the district court granted Ricky Barnard Justice's motion under Federal Rule of Civil Procedure 59(e) and reopened his 42 U.S.C. § 1983 action, which it had dismissed. Because the judgment of dismissal from which Justice filed his notice of appeal is no longer in effect, the appeal does not present a live controversy and is moot. *See Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990). Accordingly, the appeal is DISMISSED as MOOT.