

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

No. 17-40334
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 27, 2018

Lyle W. Cayce
Clerk

RICKY J. SHUGART,

Plaintiff-Appellant

v.

DONNIE FOSTER, Fannin County Sheriff's Office; FANNIN COUNTY, TEXAS; STEVE MCGRAW Director, Department of Public Safety; KEN PAXTON, Texas Attorney General; DAVID THOMPSON, Fannin County Sheriff's Office; UNIDENTIFIED FANNIN COUNTY SHERIFF'S EMPLOYEES,

Defendants-Appellees

Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 4:16-CV-73

Before STEWART, Chief Judge, and DENNIS and HAYNES, Circuit Judges.

PER CURIAM:*

Ricky J. Shugart, Texas prisoner # 1917471, appeals the dismissal of his 42 U.S.C. §§ 1983 and 1985 suit, contending only that the district court erred by dismissing with, instead of without, prejudice his claim alleging a violation of his rights under the Takings Clause.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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In the time since Shugart filed his appeal, the district court has issued an amended judgment dismissing the takings claim without prejudice; as the district court has already granted the only relief sought by Shugart, his appeal is moot, and this court lacks jurisdiction over it. *See United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016) (en banc).

DISMISSED AS MOOT.