

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-4860
Conference Calendar

EDWARD ALLEN MOORE,

Plaintiff-Appellant,

versus

JOHN E. STICE, Assistant Director,
for Support Services, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. CA6-92-211
- - - - -
(January 22, 1993)

Before GARWOOD, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Edward Allen Moore's civil rights complaint pursuant to 42 U.S.C. § 1983 against nine officials of the Texas Department of Criminal Justice, Institutional Division (TDCJ-ID) is moot. The aim of the suit was to secure legal assistance and law library facilities for his direct appeal of a criminal conviction in the State of Missouri.

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The district court correctly noted that Moore had been transferred from TDCJ-ID to a Missouri prison. In Rocky v. King, 900 F.2d 864, 867 (5th Cir. 1990), the Court held that "[a]n action is moot where (1) the controversy is no longer live or (2) the parties lack a personal stake in its outcome." There is no controversy left to adjudicate in this complaint. TDCJ-ID officials no longer have any control over Moore's access to legal materials as he is incarcerated in Missouri. Therefore, his request for injunctive relief is moot.

Moore argues under Rocky, that his claim should not be dismissed because it is "`capable of repetition, yet evading review.'" See Rocky, 900 F.2d at 871. This claim is based on Moore's speculation that he will continue to be bounced back and forth between the jails of Texas and Missouri. There is nothing in the record to suggest that this will occur. As a result, his claim does not fall under the narrow exception to the mootness doctrine.

AFFIRMED.