

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-3885

Frank R. Owens,

Appellant,

v.

Verlyn Isaac; Jean Evan; C/O Phillip;

Mike Bickford; William Soupene;

Kevin Hagemann; Marilee S.

Giegerich; K. Clark; Stephen Salviati;

Tyrone Bontrager; Raymond Turano;

Samuel Fierro; Larry J. Theilen; Lt.

Pasker; Randy Oldenburger; Tom

Luensman; Dan Dietiker; Steve Lynch;

William Rindy; C/O Baker; Kathy

Condon; Jerry Burt; Steven Wendl;

Jake Noonan,

Appellees.

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* Appeal from the United States
* District Court for the Northern
* District of Iowa.

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* [UNPUBLISHED]

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Submitted: May 7, 2009

Filed: May 12, 2009

Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

In this interlocutory appeal, Iowa inmate Frank R. Owens challenges the district court's¹ denial of preliminary injunctive relief in his 42 U.S.C. § 1983 action. In Owens's November 2007 motion for a preliminary injunction, he sought a transfer from the Iowa State Penitentiary (ISP) to either the Anamosa State Prison or the Clarinda Correctional Facility (CCF). His motion was based on his assertion that he and his known enemy were both assigned to the same unit at ISP. Because Owens has since been transferred to CCF, we dismiss his appeal as moot. Cf. Smith v. Hundley, 190 F.3d 852, 855 (8th Cir. 1999) (inmate's claim for injunctive relief to improve conditions was moot when he was transferred to another facility and no longer subject to those conditions).

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.