

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JON R. ADAMS,)
)
 Plaintiff)
)
 v.) 2:15-cv-00282-JAW
)
 SCOTT LANDRY, et al.)
)
 Defendants)

**ORDER DISMISSING AS MOOT DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S REQUEST FOR INJUNCTIVE RELIEF**

On July 17, 2015, Jon R. Adams filed a lawsuit against Scott Landry, Warden of the Maine Correctional Center, Joseph Fitzpatrick, Commissioner of the Maine Department of Corrections, Scott McCaffery, Director of Classification of the Maine Department of Corrections, Giean Brown, Senior Deputy Warden of the Maine Correctional Center, Shawn Emerson, Unit Manager of the Maine Correctional Center, Penny Bailey, Unit One Manager of the Maine Correctional Center, and Robert Dudley, Sergeant of the Maine Correctional Center, claiming that these Defendants violated his constitutional rights by failing or refusing to transfer him to the Maine Correctional Center's protective custody unit despite their knowledge that he was subject to substantial risks of physical harm. *Compl.* (ECF No. 1). Mr. Adams alleged that he was assaulted as a consequence of the Defendants' inaction and filed suit pursuant to 42 U.S.C. § 1983. *Id.* at 1-20. As part of Mr. Adams' requested relief, he asked the Court to enjoin certain of the Defendants, requiring them to arrange for

Mr. Adams to be placed in protective custody, to discharge him from so-called Unit One, and to stop ignoring his correspondence concerning statements and grievances, which he has written to ensure his safety. *Id.* at 15-16.

After the Court granted Mr. Adams' motion to amend his Complaint, he filed an amended complaint on September 14, 2015 and vacated his demands for injunctive relief because he had been released from incarceration. *Order Granting Mot. to Am.* (ECF No. 24); *Am. Comp.* at 19-20 (ECF No. 25). On September 24, 2015, Mr. Adams filed a change of address form with the Court, confirming that he had in fact been released from prison and was living in Old Orchard Beach, Maine. *Pl.'s Notification for Change of Address* (ECF No. 26). On September 25, 2015, the Defendants moved to dismiss the claims for injunctive relief because Mr. Adams was no longer incarcerated. *Mot. to Dismiss* (ECF No. 27). Mr. Adams has not responded to the Defendants' motion to dismiss.

In light of the recently amended complaint, dropping the claims for injunctive relief, the Court dismisses the Defendants' motion to dismiss without prejudice. It is apparent from reviewing the Amended Complaint that Mr. Adams is no longer pressing his claims for injunctive relief. If the Court were to reach the merits of the motion, the Court would grant the motion to dismiss because Mr. Adams failed to raise a timely objection to the motion and because First Circuit caselaw holds, as the Defendants argue, that once a prisoner has been released from custody, his claim for injunctive relief against prison policies that affected his sentence has been rendered moot. *Francis v. Maloney*, No. 14-1320, 2015 U.S. App. LEXIS 14567, at *7-8 (1st

Cir. Aug. 19, 2015); *Ford v. Bender*, 768 F.3d 15, 28-29 (1st Cir. 2014); *Robinson v. Landry*, Civil No. 2:15-cv-58-DBH, 2015 WL 4077297, at *2 (D. Me. July 6, 2015).

The Court DISMISSES without prejudice as moot the Defendants' Motion to Dismiss (ECF No. 27).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2015

Plaintiff

JON R ADAMS

represented by **JON R ADAMS**
37 AVALON ROAD
PORTLAND, ME 04103
207-805-1245
PRO SE

V.

Defendant

SCOTT LANDRY
*individually and in his official
capacity as Warden of Maine
Correctional Center*

represented by **DIANE SLEEK**
ASSISTANT ATTORNEY
GENERAL
STATE HOUSE STATION 6
AUGUSTA, ME 04333-0006
626-8800
Email: diane.sleek@maine.gov
ATTORNEY TO BE NOTICED

Defendant

JOSEPH FITZPATRICK
*individually and in his official
capacity as Commissioner of Maine
Department of Corrections*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

SCOTT MCCAFFERY
*individually and in his official
capacity as Director of Classification
of Maine Department of Corrections*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

GIEAN BROWN
*individually and in his official
capacity as Senior Deputy Warden of
Maine Correctional Center*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

SHAWN EMERSON
*individually and in his official
capacity as Unit Manager of Maine
Correctional Center*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

PENNY BAILEY
*individually and in her official
capacity as Unit One Manager of
Maine Correctional Center*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ROBERT DUDLEY
*individually and in his official
capacity as Sargeant of Maine
Correctional Center*

represented by **DIANE SLEEK**
(See above for address)
ATTORNEY TO BE NOTICED