

364 Fed.Appx. 110

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See

Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fifth Circuit Rules 28.7, 47.5.3, 47.5.4. (Find CTA5 Rule 28 and Find CTA5 Rule 47)

United States Court of Appeals,
Fifth Circuit.

Max MOUSSAZADEH, Plaintiff-Appellant

v.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE;
Brad Livingston, Solely in His Official Capacity as
Executive Director of Texas Department of
Criminal Justice, Correctional Institutions
Division; David Sweeten, Solely in His Official
Capacity as Warden of the Eastham Unit of the
Texas Department of Criminal Justice,
Correctional Institutions Division, Defendants-
Appellees.

No. 09-40400.

Feb. 5, 2010.

Attorneys and Law Firms

Luke W. Goodrich, Eric Christopher Rassbach, Becket Fund for Religious Liberty, Washington, DC, Anne Wylde Robinson, Michael J. Songer, Latham & Watkins, Washington, DC, for Plaintiff-Appellant.

Adam Warren Aston, Office of the Attorney General, Austin, TX, Celamaine Cunniff, Assistant Attorney General, Office of the Attorney General, Law

Footnotes

* District Judge, Southern District of Mississippi, sitting by designation.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Enforcement Defense Div., Austin, TX, for Defendants-Appellees.

Appeal from the United States District Court for the Southern District of Texas, USDC No. 3:07-CV-574. Before JOLLY and DENNIS, Circuit Judges, and JORDAN, District Judge.*

Opinion

PER CURIAM:**

**1 The district court dismissed this case as moot. Since that time, the conditions and treatment about which this prisoner complained have substantially changed, and these changes affect the issues before us. Moreover, before we can address the merits of this appeal, there are matters to be brought before the district court that must be addressed by it. We therefore remand for additional proceedings to allow the parties and the district court to further develop the record. Once the work of the district court has been completed, any party may file a supplemental notice of appeal, which will be considered along with the notice of appeal herein. In any event, once the district court has ruled, the parties should advise the clerk of this court whether this appeal has or has not been mooted by the district court's action. Upon remand, however, this panel does not retain jurisdiction over this or subsequent appeals in this case.

REMANDED.

All Citations

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