

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-10107

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APR 10, 2009 THOMAS K. KAHN CLERK

D.C. Docket No. 01-00292-CV-HL-5

DANNY WILLIAMS,

Plaintiff-Appellant,

versus

JAMES E. DONALD, Commissioner,
Georgia Department of Corrections,
VICTOR WALKER,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Georgia

(April 10, 2009)

Before BLACK, PRYOR and COX, Circuit Judges.

PER CURIAM:

Following oral argument in this appeal, we entered a Limited Remand Order remanding this case to the district court for the purpose of deciding whether this case

is moot because of the October 6, 2008, amendment (effective after the action was filed) to the regulation at issue. The district court has now entered an order, consented to by all parties, finding the action moot. Accordingly, it is ordered, that the final judgment granting summary judgment on the merits in favor of the Defendants is vacated and the action is remanded to the district court with instructions to dismiss the action as moot.

JUDGMENT VACATED; REMANDED WITH INSTRUCTIONS.¹

¹Appellees' Motion to Dismiss for Lack of Subject Matter Jurisdiction is DENIED.