

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-2626

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Richard Samuel,

Appellant,

v.

Sarpy County Sheriff's Office; Sarpy  
County Jail; Patrick Thomas, Sheriff;  
Unknown Grabowski, Lt., Jail Admin;  
Un-named Others; Dval Enterprises;  
Unknown Juszyk, Sgt.; Kay Byerly;  
Unknown Kilgore, Cpl.,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of Nebraska.  
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\* [UNPUBLISHED]  
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Submitted: June 2, 2006

Filed: June 7, 2006

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Before RILEY, MAGILL, and GRUENDER, Circuit Judges.

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PER CURIAM.

Nebraska state prisoner Richard Samuel appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action arising out of his past incarceration at the Sarpy County Jail.

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<sup>1</sup>The Honorable Joseph F. Bataillon, Chief Judge, United States District Court for the District of Nebraska.

In his September 2004 amended complaint, Samuel alleged that conditions at the Sarpy County Jail violated his constitutional rights, and he sought only injunctive relief to correct those conditions. The record indicates that Samuel was transferred from the Sarpy County Jail on August 20, 2004, and that he notified the district court of this fact on November 24, 2004.

The district court granted summary judgment for all the defendants on the merits. However, we conclude that Samuel's claims are moot because at the time he filed the amended complaint seeking only injunctive relief, he was no longer incarcerated at the Sarpy County Jail. See Smith v. Hundley, 190 F.3d 852, 855 (8th Cir. 1999) (inmate's claim for injunctive relief to improve prison conditions was moot when he was transferred to another facility and was no longer subject to those conditions); see also In re Wireless Telephone Federal Cost Recovery Fees Litigation, 396 F.3d 922, 928 (8th Cir. 2005) (well-established that amended complaint supersedes original complaint and renders original complaint without legal effect), cert. denied, 126 S. Ct. 356 (2005).

Accordingly, we vacate the judgment of the district court and remand the case to the district court with directions to dismiss the case as moot. See Smith, 190 F.3d at 856 (vacating and remanding with directions to dismiss case as moot).

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