

United States Court of Appeals  
For the Eighth Circuit

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No. 13-3790

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Vance Ray Moller

*Plaintiff - Appellant*

v.

Richard Doisy, Dr.; Jason Cafer, Dr.

*Defendants - Appellees*

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Appeal from United States District Court  
for the Western District of Missouri - Jefferson City

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Submitted: July 21, 2014

Filed: July 24, 2014

[Unpublished]

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Before MURPHY, BOWMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Vance Moller, a civil detainee at Fulton State Hospital, filed a 42 U.S.C. § 1983 complaint naming Fulton State Hospital doctors Richard Doisy and Jason Cafer. He alleged, among other things, that defendants were forcing him to take psychotropic medicine, in violation of his religious beliefs. In this interlocutory

appeal, Moller challenges the district court's<sup>1</sup> orders denying his motions for appointment of counsel and for a restraining order against Dr. Cafer.

Upon careful review, we conclude that the court did not abuse its discretion in denying Moller's motion for appointment of counsel. See Phillips v. Jasper County Jail, 437 F.3d 791, 794 (8th Cir. 2006) (standard of review). As to the motion for a restraining order, which the district court treated as a motion for a preliminary injunction, cf. Hamm v. Grouse, 15 F.3d 110, 112-13 (8th Cir. 1994) (denial of motion for temporary restraining order is not reviewable), the issue is moot, because in his papers on appeal, Moller represents that Dr. Cafer is no longer treating him and has moved to another part of the hospital, cf. Iron Cloud v. Sullivan, 984 F.2d 241, 242-43 (8th Cir. 1993) (case is moot where there was no ongoing action by appellees to enjoin).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.