

August 1, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

EBRAHIM ADKINS,

Plaintiff-Appellant,

v.

ROBERT SAPIEN, Unit Team Manager, El Dorado Correctional Facility, in his dual capacity; PAUL SNYDER, Unit Team Manager, El Dorado Correctional Facility, in his dual capacity; DON STURGILL, Unit Team Counselor, El Dorado Correctional Facility, in his dual capacity; RANDY KAUFMAN, Unit Team Counselor, El Dorado Correctional Facility, in his dual capacity; CARRIE MARLETT, Unit Team Counselor, El Dorado Correctional Facility, in her dual capacity; DALE CALL, Administrator, El Dorado Correctional Facility, in his dual capacity; DEBBIE BRATTON, Deputy Warden, El Dorado Correctional Facility, in her dual capacity; RAY ROBERTS, Warden, El Dorado Correctional Facility, in his dual capacity; WILLIAM CUMMINGS, Secretary of Corrections Designee, Kansas Department of Corrections, in his dual capacity; ROGER WERHOLTZ, Secretary of Corrections, Kansas Department of Corrections, in his dual capacity; LIV RICE, Administrator, Kansas Department of Corrections, in her dual capacity; DAVID RIGGIN, Administrator, Kansas Department of

No. 11-3131

(D.C. No. 5:10-CV-03170-SAC)

(D. Kan.)

Corrections, in his dual capacity,
Defendants-Appellees.

ORDER AND JUDGMENT*

Before **O'BRIEN, McKAY, and TYMKOVICH**, Circuit Judges.

After examining Plaintiff's brief and the appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). This case is therefore ordered submitted without oral argument.

Plaintiff Ebrahim Adkins, an individual formerly incarcerated in the Kansas state prison system, appeals from the district court's dismissal of his § 1983 action against various Kansas prison officials. In his complaint, Plaintiff alleged that Defendants unlawfully interfered with his access to the courts during his incarceration by placing him on mailing and copying restrictions and by mishandling and confiscating his legal mail. The district court concluded that the declaratory and injunctive relief sought by Plaintiff had been rendered moot by his release from prison. The court also concluded that Plaintiff's allegations were

* This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

time-barred and failed to state a claim upon which relief could be granted. The court accordingly dismissed the complaint.

After thoroughly reviewing Plaintiff's brief and the record on appeal, we conclude that the district court's ruling was correct and well-reasoned. We therefore **AFFIRM** the dismissal of Plaintiff's complaint for substantially the same reasons stated by the district court. Petitioner's motion to proceed *in forma pauperis* on appeal is **GRANTED**.

ENTERED FOR THE COURT

Monroe G. McKay
Circuit Judge