

2004 WL 3789373  
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United States District Court,  
E.D. Virginia.

James Edward REID, Plaintiff,  
v.  
Gene M. JOHNSON, et al., Defendants.

No. Civ.A. 3:03–CV–1039. | Oct. 22, 2004.

#### Attorneys and Law Firms

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Noelle L. Shaw–Bell, Office of the Attorney General, Richmond, VA, Richard Carson Vorhis, Katherine Pharis Baldwin, for Defendants.

#### Opinion

### **MEMORANDUM OPINION**

SPENCER, J.

\*1 Plaintiff, James Edward Reid, a Virginia state inmate sentenced to death, brought this civil rights action under 42 U.S.C. § 1983. Reid claimed that the defendants’ proposed method of execution violated the Eighth Amendment and sought to enjoin his execution pursuant to that method. By Memorandum Opinion and Order entered September 3, 2004, the Court denied Reid’s request for a preliminary injunction. On September 9, 2004, Reid was executed.

The defendants have moved to dismiss the action on the grounds that the matter is moot. Reid’s execution has mooted his claims for injunctive relief and a declaratory judgment pertaining to that execution. *See Inmates v. Owens*, 561 F.2d 560, 562 (4th Cir.1977); *Jenkins v. Skinner*, 771 F.Supp. 133, 135 (E.D.Va.1991). Accordingly, the action will be dismissed as moot.

It is so Ordered.

### **FINAL ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby ORDERED that the action is dismissed as moot.

Let the Clerk of Court send a copy of the Memorandum Opinion and Order to counsel of record.

It is so ORDERED.