

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

No. 12-1006

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JAMES O'BRYAN, et al.,)
)
 Plaintiffs,)
)
 and)
)
 REUBEN RANKE,)
)
 Plaintiff-Appellant,)
)
 v.)
)
 SAGINAW COUNTY, Michigan,)
)
 Defendant-Appellee,)
)
 and)
)
 JAMES F. HALM, et al.,)
)
 Defendants.)

FILED
Dec 07, 2012
 DEBORAH S. HUNT, Clerk

ON APPEAL FROM THE UNITED
 STATES DISTRICT COURT FOR
 THE EASTERN DISTRICT OF
 MICHIGAN

ORDER

Before: GUY and ROGERS, Circuit Judges; HOOD, District Judge.*

Reuben Ranke, a federal prisoner proceeding pro se, appeals the district court's order denying his motion for reconsideration of a prior order denying his motion to hold Saginaw County in contempt. This case has been referred to a panel of the court pursuant to Federal Rule of Appellate Procedure 34(a)(2)(C). Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

*The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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On March 31, 2011, Ranke filed a motion in the case of *O'Bryan v. Saginaw Cnty., Mich.* (No. 75-10075), asking the court to order Saginaw County to show cause why it should not be held in contempt of a permanent injunction that the court issued in 1978. The injunction permanently enjoined Saginaw County from violating prisoners' constitutional rights and set forth specific rights that must be afforded to prisoners. *O'Bryan v. Saginaw Cnty., Mich.*, 446 F. Supp. 436, 437-43 (E.D. Mich. 1978). The court defined the *O'Bryan* plaintiffs as "all persons who have been, are, or will be confined in the Saginaw County Jail. . . ." *Id.* at 437. Ranke alleged that Saginaw County violated the injunction while he was lodged at the Saginaw County Jail from April 30, 2008, through December 9, 2009. He requested that the court hold Saginaw County in contempt and award compensatory damages, fines, and costs.

Saginaw County filed a motion to dismiss Ranke's motion arguing, in part, that Ranke's claims were moot because he was no longer housed at the jail. The district court granted Saginaw County's motion and denied Ranke's contempt motion, finding that Ranke's claim was moot because he was transferred out of the Saginaw County Jail almost two years prior to filing his contempt motion. Ranke filed a timely motion for reconsideration, arguing that he sought compensatory damages, fines, and costs, rather than injunctive relief. The district court denied Ranke's motion for reconsideration, finding that he did not demonstrate a palpable defect in the proceedings, as required by the Eastern District of Michigan's Local Rule 7.1(h).

On appeal, Ranke argues that the district court erred in finding that his transfer to a different facility mooted his claims because he was seeking damages, not injunctive relief. We review a district court's decision on a civil contempt motion for an abuse of discretion. *Peppers v. Barry*, 873 F.2d 967, 968 (6th Cir. 1989). We also review for an abuse of discretion a district court's denial of a motion for reconsideration. *Jones v. Caruso*, 569 F.3d 258, 265 (6th Cir. 2009). An abuse of discretion occurs when the district court relies on clearly erroneous findings of fact or applies an erroneous legal standard. *Romstadt v. Allstate Ins. Co.*, 59 F.3d 608, 615 (6th Cir. 1995).

The district court erred in denying Ranke's motion on mootness grounds. The district court accurately noted that a prisoner's claim for injunctive relief is rendered moot when the prisoner is

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transferred to another facility. *See Kensu v. Haigh*, 87 F.3d 172, 175 (6th Cir. 1996); *Abdur-Rahman v. Mich. Dep't of Corr.*, 65 F.3d 489, 491 (6th Cir. 1995). However, Ranke was not seeking injunctive relief. Instead, he was seeking compensatory damages for injuries that he allegedly suffered as a result of Saginaw County's violation of the previously issued permanent injunction.

Accordingly, because the district court's denial of Ranke's motion was based entirely on its erroneous finding that Ranke's claims were moot, we vacate the district court's judgment and remand for further proceedings. Fed. R. App. P. 34(a)(2)(C).

ENTERED BY ORDER OF THE COURT



Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Deborah S. Hunt
Clerk

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Filed: December 07, 2012

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Re: Case No. 12-1006, *James O'Bryan, et al v. Saginaw County, et al*
Originating Case No. : 1:75-CV-10075

Dear Sir or Madam,

The Court issued the enclosed (Order/Opinion) today in this case.

Sincerely yours,

s/Bryant L. Crutcher
Case Manager
Direct Dial No. 513-564-7013

cc: Ms. Amy L. Lusk
Mr. David J. Weaver

Enclosure

Mandate to issue