

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6232

YAQUB HAMEED MUWAKKIL,

Plaintiff - Appellant,

versus

A. DAVID ROBINSON,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CA-04-1374)

Submitted: June 22, 2005

Decided: July 12, 2005

Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Yaqub Hameed Muwakkil, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Yaqub Hameed Muwakkil appeals from the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint regarding prison conditions for failure to state a claim under 28 U.S.C. § 1915A (2000). After the district court entered its order, Muwakkil was transferred. Because Muwakkil sought only injunctive and declaratory relief, his subsequent transfer renders his appeal moot. See Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991). Nonetheless, after a review of the record, we conclude that the district court incorrectly decided that Muwakkil's complaint failed to state a claim. Accordingly, although we dismiss the appeal as moot, we note that the district court's dismissal should not count as a "strike" for purposes of 28 U.S.C. § 1915(g) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED