

United States Court of Appeals  
For the Eighth Circuit

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No. 12-3175

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Wesley Eugene Brooks

*Plaintiff - Appellant*

v.

Tom Roy; David Crist; Terry Carlson; Nanette Larson; Bruce Reisner; Douglas  
Panser; James Schaffer; Jane Does 1-10; John Does 1-10

*Defendants - Appellees*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: November 19, 2013

Filed: February 26, 2014

[Unpublished]

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Before RILEY, Chief Judge, MELLOY and KELLY, Circuit Judges.

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PER CURIAM.

Wesley Brooks brought suit in the District of Minnesota, alleging that the New Dimensions chemical-dependency treatment program at the Minnesota Correctional Facility in Faribault, Minnesota, substantially burdened his ability to exercise his religious beliefs in violation of the First Amendment. In addition, Brooks alleged violations of the following laws: 42 U.S.C. § 1983; Section 3 of the Religious Land

Use and Institutionalized Persons Act of 2000, 42 U.S.C. § 2000cc-1; the American Indian Religious Freedom Act, 42 U.S.C. § 1996; and article I, section 16 of the Minnesota Constitution. Brooks requested a preliminary injunction to reinstate him to the New Dimensions program pending resolution of his lawsuit. The district court denied his request, and Brooks appealed to this court.

While that appeal was pending, on January, 14, 2014, the district court dismissed Brooks's underlying case with prejudice, finding that Brooks had failed to exhaust his available administrative remedies. Brooks v. Roy, No. 12-CV-316, 2014 WL 127024, at \*4–6 (D. Minn. Jan. 14, 2014). Because the underlying suit has been dismissed, this court can no longer grant Brooks the relief he seeks. See Burns v. City of Apple Valley, 30 F. App'x 670, 670 (8th Cir. 2002) (unpublished) ("[A]n interlocutory appeal from the denial of preliminary injunctive relief becomes moot once final judgment is entered."); see also Activision TV, Inc. v. Pinnacle Bancorp, Inc., No. 8:13-CV-215, 2013 WL 5963142, at \*2 (D. Neb. Nov. 7, 2013) ("[A]n appeal from an order regarding an injunction does not stay other proceedings before the district court and does not prevent the district court from deciding the litigation on its merits[.]" (internal citation omitted)). The appeal is now moot. We therefore grant appellees' motion to dismiss.

We note that Brooks has filed an appeal of the district court's judgment dismissing his case. In the event that judgment is reversed, Brooks will be free to renew his motion for a preliminary injunction.