

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ASHLEY DIAMOND,

Plaintiff,

v.

TIMOTHY WARD, *et al.*,

Defendants.

No. 5:20-cv-00453-MTT

**PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS AS MOOT
PLAINTIFF’S CLAIMS FOR DECLARATORY AND INJUNCTIVE RELIEF**

On August 1, 2022, Plaintiff was released from Coastal State Prison and is no longer in the custody of Georgia Department of Corrections. Plaintiff agrees that her claims for declaratory and injunctive relief are now moot and due to be dismissed without prejudice. *See Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985) (dismissal without prejudice is appropriate where injunctive claims become moot by an inmate’s transfer or release).

Plaintiff’s claims for money damages are unaffected by her release and remain ripe for decision. *See, e.g., Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 77 (2013) (“Unlike claims for injunctive relief challenging ongoing conduct, a claim for damages ... remains live until it is settled, judicially resolved, or barred by a statute of limitations.”).

Respectfully submitted,

August 8, 2022

/s/ Scott D. McCoy

A. Chinyere Ezie*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Phone/Fax: (212) 614-6467

Scott D. McCoy*
Southern Poverty Law Center
2 S. Biscayne Blvd., Ste 3750
Miami, FL 33131
Phone: (334) 224-4309

Email: cezie@ccrjustice.org

Rafaela Uribe*
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012
Phone/Fax: (212) 614-6483
Email: ruribe@ccrjustice.org

Email: scott.mccoy@splcenter.org

Elizabeth Littrell, Ga. Bar No. 454949
Southern Poverty Law Center
150 E. Ponce de Leon Ave. Ste 340
Decatur, GA 30030
Phone: (404) 221-5876
Fax: (404) 221-5857
Email: beth.littrell@splcenter.org

* *Admitted Pro Hac Vice*

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that, on this date, the foregoing document and all attachments were served on all counsel of record through the Court's CM/ECF system.

/s/ Scott D. McCoy _____

Counsel for Plaintiff Ashley Diamond