

**July 13, 2016**

In re Sheri Speer, No. 3:15-cv-1768 (RNC)

**ORDER dismissing appeal.**

Bankruptcy debtor Sheri Speer, proceeding pro se, seeks review of an order granting relief from the automatic stay to Norwich Public Utilities ("NPU") to enable it to pursue a foreclosure action against one of her properties. On February 12, 2016, NPU filed a notice on the docket of this appeal stating: "[T]he secured portion of the debt relating to the property . . . has been paid by the lender and the foreclosure matter has been withdrawn from the Superior Court docket. Accordingly, the issue is moot and/or no practical relief can be afforded." (ECF No. 9) at 1. Ms. Speer has not responded to the notice.

Under Article III, this Court is limited to deciding "the legal rights of litigants in actual controversies." Genesis Healthcare Corp. v. Symczyk, 133 S. Ct. 1523, 1528 (2013) (quoting Valley Forge Christian College v. Ams. United for Separation of Church and St., Inc., 454 U.S. 464, 471 (1982)) (internal quotation marks omitted). "A corollary" of this requirement is that "an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed." Id. (quoting Arizonans for Official English v. Arizona, 520 U.S. 43, 67 (1997)) (internal quotation marks omitted). "If an intervening circumstance deprives the plaintiff of a 'personal stake in the outcome of the lawsuit,' at any point during litigation, the action can no longer proceed and must be dismissed as moot." Id. (quoting Lewis v. Continental Bank Corp., 494 U.S. 472, 477-78 (1990)). Put another way, a case must be dismissed as moot if the court is unable to "fashion[] effective relief." In re Chateaugay Corp., 988 F.2d 322, 325 (2d Cir. 1993).

It is apparent that this appeal is moot. Even if the Court were to determine that relief from the automatic stay should not have been granted, there is no longer a pending action on which the stay could be reimposed.

Accordingly, the appeal is hereby dismissed.

So ordered.

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/s/ RNC  
Robert N. Chatigny  
United States District Judge