

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

Nos. 01-2835/3437

Barbara R. Burns,

Appellant,

v.

City of Apple Valley; Donald
Gudmundson; Bruce Erickson;
Michael Marben,

Appellees.

*

*

*

* Appeals from the United States

* District Court for the

* District of Minnesota.

*

* [UNPUBLISHED]

*

*

*

Submitted: March 7, 2002

Filed: March 13, 2002 (Corrected: May 28, 2002)

Before McMILLIAN, BOWMAN, and BYE, Circuit Judges.

PER CURIAM.

In these consolidated appeals, Barbara R. Burns appeals the District Court's¹ denial of her motion for a preliminary injunction and a temporary restraining order

¹The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

(Case No. 01-2835), and the District Court's² subsequent adverse grant of summary judgment in her 42 U.S.C. § 1983 action (Case No. 01-3437).

Although Burns filed a brief in Case No. 01-2835 before the District Court entered final judgment against her, she has consistently declined to file a brief in Case No. 01-3437 even after we issued a show cause order and a revised briefing schedule. Thus, we grant appellees' motion to dismiss Case No. 01-3437. See Fed. R. App. P. 31(c).

As to Case No. 01-2835, an interlocutory appeal from the denial of preliminary injunctive relief becomes moot once final judgment is entered. See Taylor v. United States, 181 F.3d 1017, 1022 & n.9 (9th Cir. 1999) (en banc); Hankins v. Temple Univ., 829 F.2d 437, 438 & n.1 (3d Cir. 1987). Accordingly, we dismiss Case No. 01-2835 as well.

We also deny Burns's motion for injunctive relief on appeal. Contrary to her assertion, the District Court was not divested of jurisdiction once she filed her interlocutory appeal and thus it had the authority to grant final judgment in favor of defendants. See Janousek v. Doyle, 313 F.2d 916, 920-21 (8th Cir. 1963) (per curiam). Given the disposition of Burns's appeal, we decline to address her other motions.

Accordingly, we grant appellees' motion to dismiss Case No. 01-3437, and we dismiss Case No. 01-2835 as moot.

²The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Franklin L. Noel, United States Magistrate Judge for the District of Minnesota.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.