

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

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No. 05-2847

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Lance Gerald Milliman,

Appellant,

v.

Betty Jean Lindemoen; Charles  
Weaver; Beverly Anderson; Kim  
Brandell; Susan Fallek Rogers; Colia  
Ceisel; Janice Allen; Dorrie Estebo;  
Bethany Lindberg; Robert Tipp; Kelly  
O'Brien; Susan Myklebye Williams;  
Michael Campion; Kay Gavinski;  
Jill Prohofsky,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
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\* [UNPUBLISHED]  
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Submitted: July 26, 2006  
Filed: July 31, 2006

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Before SMITH, MAGILL, and BENTON, Circuit Judges.

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PER CURIAM.

In this interlocutory appeal, Lance Gerald Milliman challenges the district court's<sup>1</sup> denial of his motion for a temporary restraining order and preliminary injunction. Milliman sought to prevent the suspension of his Minnesota commercial driver's license during the pendency of his federal suit challenging the constitutionality of Minn. Stat. § 518.551, subd. 13 (2006) (providing for suspension of driver's license for nonpayment of child support). We find this appeal moot because on June 23, 2005, a Minnesota state court issued an order granting Milliman the relief he sought: a stay of the suspension of his Minnesota commercial driver's license until resolution of his action in federal district court. See Honig v. Students of the Cal. Sch. for the Blind, 471 U.S. 148, 149 (1985) (per curiam) (once action sought in request for PI is taken, case is mooted); Flittie v. Erickson, 724 F.2d 80, 81 (8th Cir. 1983) (appeal regarding claim for injunctive relief became moot where, at administrative hearing that occurred after district court issued order, plaintiff received specific relief requested in federal suit such that substantial controversy no longer existed).

Accordingly, we dismiss the appeal as moot.

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<sup>1</sup>The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.