

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2717

George Gadd,

Appellant,

v.

Michele M. Leonhart, Acting
Administrator, Drug Enforcement
Administration,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: July 2, 2009
Filed: July 30, 2009

Before WOLLMAN, MURPHY, and MELLOY, Circuit Judges.

PER CURIAM.

George Gadd appeals the district court's¹ order dismissing without prejudice, for lack of jurisdiction, his application for preliminary injunction. Before filing this appeal, Gadd filed a second application for preliminary injunction based on the same facts and seeking the same relief, which was denied on the merits. Accordingly, we agree with appellee that this appeal is moot because a ruling on the issue presented

¹The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas.

would have no practical consequence. See Powell v. McCormack, 395 U.S. 486, 496 (1969) (case is moot when “the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome”); In re Smith, 921 F.2d 136, 139 (8th Cir. 1990) (when appellate decision would have no practical consequence, appeal will be dismissed as moot). We therefore grant appellee’s motion and dismiss the appeal.
