

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1991WM

Gene W. Spitzmiller,

Appellant,

v.

Julia Hawkins; David Harrison; Paul
Boudreau; Missouri Personnel Advisory
Board,

Appellees.

*
*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: October 6, 1997

Filed: October 15, 1997

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

After Gene W. Spitzmiller was dismissed from his position as a hearing examiner for Missouri's Personnel Advisory Board (PAB), Spitzmiller filed actions in federal district court, in Missouri state court, and before the PAB, alleging his dismissal was unlawful. The district court ordered the federal action stayed pending disposition of the state actions, and Spitzmiller appeals. Because the district court's order was based on abstention and Spitzmiller has now dismissed the state proceedings, the district court's order has expired by its own terms and we conclude the appeal is moot.

Accordingly, we dismiss Spitzmiller's appeal as moot.

A true copy.

Attest:

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