

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15-3812

FA.LU. CIOLI,

Appellant

v.

LAURA ZUCHOWSKI, Director, Vermont Service Center;
DIRECTOR UNITED STATES CITIZENSHIP AND IMMIGRATION
SERVICES; SECRETARY UNITED STATES DEPARTMENT
OF HOMLAND SECURITY; ATTORNEY GENERAL
UNITED STATES OF AMERICA

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civ. No. 2-15-cv-01310)
Honorable Stanley R. Chesler, District Judge

Submitted under Third Circuit LAR 34.1(a)
June 14, 2016

BEFORE: AMBRO, JORDAN, and GREENBERG, Circuit Judges

JUDGMENT ORDER

This matter comes on before this Court on an appeal from an order of the District Court entered on November 20, 2015, denying a motion for a preliminary injunction. While the appeal has been pending, the District Court on June 16, 2016, entered an order dismissing the complaint for lack of subject matter jurisdiction. In the circumstances,

even if we held that the District Court should not have denied the motion for the preliminary injunction we cannot remand the case to the District Court with instructions to enter the injunction because the case is no longer pending in that Court. Moreover, if we affirmed the denial of the motion for a preliminary injunction our order would have no consequence as the order affirming the denial would not compel the defendants to do anything. Consequently, the appeal is moot and therefore we dismiss appeal. The parties will bear their own costs on this appeal.

By the Court,

s/ Morton I. Greenberg
Circuit Judge

Attest:

s/ Marcia M. Waldron
Clerk

DATED: June 30, 2016