

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6152

MELVIN CORNNELL DODSON,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Jackson L. Kiser, Senior
District Judge. (7:10-cv-00019-jlk-mfu)

Submitted: June 24, 2010

Decided: June 30, 2010

Before DUNCAN, AGEE, and DAVIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Melvin Cornnell Dodson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Melvin Cornnell Dodson seeks to appeal the district court's order denying his 28 U.S.C. § 2254 (2006) petition as successive. We dismiss Dodson's appeal as moot. "[A] case is moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome." United States v. Hardy, 545 F.3d 280, 283 (4th Cir. 2008) (internal quotation marks omitted). "[I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant any effectual relief whatever to a prevailing party, the appeal must be dismissed." Incumaa v. Ozmint, 507 F.3d 281, 286 (4th Cir. 2007) (internal quotation marks omitted).

The district court dismissed Dodson's § 2254 petition as successive; however, during the pendency of this appeal, Dodson filed a Federal Rule of Civil Procedure 59 motion in the district court. Upon consideration of that motion, the district court vacated its January order and reinstated Dodson's § 2254 petition. Thus, because there is no relief we can grant Dodson on appeal, we dismiss the appeal as moot. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED