

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2058

BONNIE JEAN MAYO,

Debtor - Appellant,

v.

WELLS FARGO HOME MORTGAGE,

Defendant - Appellee.

and

USBC - NORFOLK/NN (United States Bankruptcy Court),

Party-in-Interest,

US TRUSTEE; MICHAEL PATRICK COTTER,

Trustees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Arenda Wright Allen,
District Judge. (4:12-cv-00118-AWA-DEM; 11-51133-FJS)

Submitted: March 28, 2013

Decided: April 4, 2013

Before WILKINSON, DUNCAN, and WYNN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bonnie Jean Mayo, Appellant Pro Se. Donna Joyce Hall, SAMUEL I. WHITE, PC, Virginia Beach, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bonnie Jean Mayo appeals from the district court's order dismissing her appeal from the bankruptcy court's orders: (a) granting a motion to lift the automatic stay and (b) dismissing her Chapter 13 petition. We dismiss the appeal.

Where a sale of a bankrupt's assets has not been stayed, an appeal challenging the sale's validity is moot because "the court has no remedy that it can fashion even if it would have determined the issues differently." Anheuser-Busch, Inc. v. Miller (In re Stadium Mgmt. Corp.), 895 F.2d 845, 847 (1st Cir. 1990) (collecting cases); see also In re Vlasek, 325 F.3d 955, 961-62 (7th Cir. 2003) (same). Thus, even if the bankruptcy court erred in authorizing the sale, the appeal must be dismissed. See, e.g., Canzano v. Ragosa (In re Colarusso), 382 F.3d 51, 62 (1st Cir. 2004).

Because Mayo failed to obtain a stay of the orders below, and the property has been sold and a state unlawful detainer action has been filed, we do not have jurisdiction to consider the merits of the appeal. Accordingly, we dismiss. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED