

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 11-12280
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCT 3, 2011 JOHN LEY CLERK

D.C. Docket No. 1:09-cv-21154-PAS

MATTIE LOMAX,

Plaintiff-Appellant,

versus

CITY OF MIAMI MAYOR, etc., et al.,

Defendants,

OFFICER NUNEZ,
incarcerated for selling drugs,
OFFICER GARCIA,
SERGEANT BARALT,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(October 3, 2011)

Before BLACK, BARKETT and WILSON, Circuit Judges.

PER CURIAM:

Mattie Lomax, proceeding *pro se*, appeals the district court's denial of her motions to recuse the district court judge and demand for a jury trial on her claim of malicious prosecution. The district court denied the motions as moot. On appeal, Lomax argues against the district court's earlier dismissal of her claim of malicious prosecution brought under 42 U.S.C. § 1983.

We review an order of the district court denying a motion for recusal for an abuse of discretion. *Draper v. Reynolds*, 369 F.3d 1270, 1274 (11th Cir. 2004). Whether a case is moot is a question of law that we review de novo. *Troiano v. Supervisor of Elections in Palm Beach County, Fla.*, 382 F.3d 1276, 1282 (11th Cir. 2004).

Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies. *Brooks v. Georgia State Bd. of Elections*, 59 F.3d 1114, 1118 (11th Cir. 1995). A case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome. *U.S. Parole Commission v. Geraghty*, 445 U.S. 388, 396, 100 S.Ct. 1202, 1209, 63 L.E.2d 479 (1980).

In the instant case, the district court did not abuse its discretion in denying Lomax's motions for recusal and demand for a jury trial. There was no further judicial labor to be undertaken by the district court in the case, rendering Lomax's motions and demand moot.

Upon careful review of the record, and upon consideration of the parties' briefs, we find no error and affirm.

AFFIRMED.