

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12830

Non-Argument Calendar

SOUND AROUND, INC.,
a New York corporation,

Plaintiff-Appellee,

versus

HIALEAH LAST MILE FUND VII LLC,

Defendant-Appellant,

HIALEAH LAST MILE LLC,

Defendant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cv-20652-RNS

Before BRANCH, LAGOA, and KIDD, Circuit Judges.

PER CURIAM:

Hialeah Last Mile Fund VII LLC and Hialeah Last Mile LLC filed this appeal seeking review of the district court's July 27, 2023, amended order granting summary judgment in favor of the plaintiff, Sound Around, Inc.

We issued a limited remand order with instructions for the district court to determine the citizenship of the parties and whether diversity jurisdiction existed when this action was filed. We instructed the district court that (1) if it determined that the parties were completely diverse in citizenship, then it should enter an order to that effect and return the record, as supplemented, to this Court for further proceedings; and (2) if it determined that complete diversity did not exist, then it should vacate its rulings and dismiss the action for lack of subject matter jurisdiction.

On remand, the district court found that complete diversity did not exist, and it entered an order dismissing the action without prejudice for lack of subject matter jurisdiction. In an order denying reconsideration of the dismissal, the district court acknowledged our instructions and stated that it had complied with them.

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Opinion of the Court

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As a result of the district court's orders on remand, we deem the July 27, 2023, order vacated, and this appeal is now moot because there is no longer a merits decision to review. *See Brooks v. Ga. State Bd. of Elections*, 59 F.3d 1114, 1118 (11th Cir. 1995) (explaining that we lack authority to adjudicate moot controversies and must dismiss an appeal if something happens while the case is on appeal that makes it impossible to grant a prevailing party effectual relief).

Accordingly, this appeal is DISMISSED. This dismissal does not affect Sound Around, Inc.'s appeal of the district court's orders entered on limited remand, which is pending in appeal number 25-10754.