

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-11475

Non-Argument Calendar

DANA ESCOFFIER,

Plaintiff-Appellant,

versus

ISTORAGE PO, LLC,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Alabama
D.C. Docket No. 1:22-cv-00198-JB-C

Before JORDAN, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

Dana Escoffier appeals from the district court's April 19, 2024, order dismissing his amended complaint with prejudice for failure to prosecute.

We remanded for the limited purpose of determining the citizenship of the defendant, iStorage PO, LLC, 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. It entered an order vacating the April 19, 2024, order and dismissing the action without prejudice for lack of subject matter jurisdiction.

As a result of the district court's order on remand, 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).

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Accordingly, this appeal is DISMISSED. All pending motions are DENIED as moot.