

APPENDIX

A

W.D.N.Y.
23-cv-1303
Vilardo, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of October, two thousand twenty-four.

Present:

Pierre N. Leval,
Denny Chin,
Raymond J. Lohier, Jr.,
Circuit Judges.

David C. Lettieri,

Plaintiff-Appellant,

v.

24-617

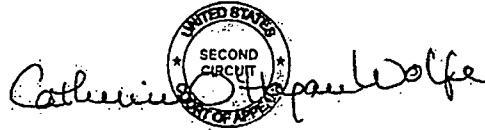
Wyoming County Sheriffs,

Defendant-Appellee.

Appellant, proceeding pro se, moves for in forma pauperis (“IFP”) status to challenge the denial of IFP status in the district court under the three-strikes rule of 28 U.S.C. § 1915(g). The district court has since entered a separate sanction—independent of the three-strikes rule—barring Appellant from proceeding IFP in any cases in the district court due to his vexatious litigation practices. Based on that sanction, the district court denied Appellant’s reconsideration motion in this case as moot but gave him 30 days to pay the district court filing fee. Appellant has not appealed the sanction order or the denial of reconsideration, nor has he paid the district court filing fee. Thus, the appeal is moot because even if we were to determine that the district court had erred in its three-strikes ruling, such a ruling would not provide any effective relief to Appellant because of intervening events: his case would remain closed based on the independent (and unchallenged) sanction order and his failure to pay the filing fee. *See Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 161 (2016) (explaining that a matter becomes moot “when it is impossible for a court to grant any effectual relief whatever to the prevailing party”). Accordingly, upon due consideration, it is hereby ORDERED that the appeal is DISMISSED and Appellant’s IFP motion is DENIED as moot.

See Video Tutorial Servs., Inc. v. MCI Telecomms. Corp., 79 F.3d 3, 6 (2d Cir. 1996) (per curiam) (explaining that this Court must dismiss a moot appeal).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

The image shows a handwritten signature, "Catherine O'Hagan Wolfe", in cursive script. Overlaid on the signature is a circular official seal. The seal contains the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with small stars on either side of the central text.

Judgment in a Civil Case

United States District Court
WESTERN DISTRICT OF NEW YORK

DAVID C. LETTIERI

JUDGMENT IN A CIVIL CASE
CASE NUMBER: 23-CV-1303

v.

WYOMING COUNTY SHERIFFS

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the case is dismissed without prejudice.

Date: February 6, 2024

MARY C. LOEWENGUTH
CLERK OF COURT

By: s/ Colin
Deputy Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**