UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 11-1797

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DAVID W. KELLER, and all Persons Similarly Situated,

                    Plaintiff – Appellant,

          v.

SOCIAL   SECURITY   ADMINISTRATION;   BARACK   HUSSEIN   OBAMA,
President of the United States of America; TIMOTHY GEITHNER,
Secretary of the Treasury of the United States of America,

                    Defendants - Appellees.

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Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond.   James R. Spencer, Chief
District Judge.   (3:11-cv-00471-JRS)

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Submitted: December 1, 2011   Decided: December 14, 2011

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Before KING, GREGORY, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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David W. Keller, Appellant Pro Se.   Helen L. Gilbert, Michael
Raab, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David W. Keller appeals the district court's order dismissing without prejudice Keller's civil complaint for lack of ripeness. Shortly after entry of the district court's order, Congress passed the Budget Control Act of 2011 ("the Act"), Pub. L. No. 112-25, 125 Stat. 240 (2011), which raised the federal debt ceiling. Given the passage of the Act, the legal basis for Keller's complaint — that the failure to raise the debt ceiling would cause the country to default on its foreign debt, which in turn would necessitate the Government to withhold Social Security benefits payments — is no longer viable. Accordingly, we dismiss the appeal as moot. See United States v. Hardy, 545 F.3d 280, 285 (4th Cir. 2008) (explaining that this court should dismiss an appeal "when, by virtue of an intervening event, a court of appeals cannot grant any effectual relief whatever in favor of the appellant" (internal quotation marks omitted)). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

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