

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1725

JOHN CUTONILLI,

Plaintiff - Appellant,

v.

FEDERAL TRANSIT ADMINISTRATION; MARYLAND TRANSIT
ADMINISTRATION,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Ellen L. Hollander, District Judge.
(1:13-cv-02373-ELH)

Submitted: November 9, 2015

Decided: December 3, 2015

Before KING, AGEE, and KEENAN, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

John Cutonilli, Appellant Pro Se. Robert Harris Oakley, UNITED
STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Linda DeVuono,
OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Baltimore, Maryland,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Cutonilli appeals the district court's order granting the Federal Transit Administration's and the Maryland Transit Administration's summary judgment motions on Cutonilli's claims seeking declaratory and injunctive relief, as well as its order denying Cutonilli's Fed. R. Civ. P. 59(e) motion. It is undisputed that the Red Line Project, which was a proposed east-west mass transit line and the subject of Cutonilli's claims, has been cancelled. We thus find that the appeal has been rendered moot. See Chafin v. Chafin, 133 S. Ct. 1017, 1023 (2013) (holding that "[f]ederal courts may not decide questions that cannot affect the rights of litigants in the case before them or give opinions advising what the law would be upon a hypothetical state of facts") (internal quotation marks and brackets omitted); Knox v. Service Employees Int'l Union, Local 1000, 132 S. Ct. 2277, 2287 (2012) (recognizing that "[a] case becomes moot only when it is impossible for a court to grant any effectual relief whatever to the prevailing party") (internal quotation marks omitted).

Accordingly, we vacate the district court's orders, remand the case to the district court, and instruct the district court to dismiss Cutonilli's claims. See Mellen v. Bunting, 327 F.3d 355, 364 (4th Cir. 2003) ("If a claim becomes moot after the entry of a district court's final judgment and prior to the

completion of appellate review, we generally vacate the judgment and remand for dismissal."). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED