

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-2319

In re: PHILIP JAY FETNER,

Debtor.

PHILIP JAY FETNER,

Debtor - Appellant,

v.

HOTEL STREET CAPITAL, L.L.C.; STEPHEN S. ROSZEL,

Creditors - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony John Trenga, District Judge. (1:18-cv-00933-AJT-IDD)

Submitted: April 16, 2020

Decided: April 20, 2020

Before GREGORY, Chief Judge, and WYNN and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Philip Jay Fetner, Appellant Pro Se. Robert Michael Marino, REDMOND, PEYTON & BRASWELL, Alexandria, Virginia; William Davis Ashwell, MARK B. WILLIAMS &

ASSOCIATES, PLC., Warrenton, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Phillip Jay Fetner appeals the district court's orders affirming the bankruptcy court's denial of his second motion to extend the exclusivity period to file a Chapter 11 plan and denying reconsideration. Before Fetner noted this appeal, the bankruptcy court entered an order converting Fetner's Chapter 11 bankruptcy proceeding to one under Chapter 7. Because the bankruptcy case has been converted, we cannot afford Fetner any effective relief. In the context of a bankruptcy proceeding, a court may dismiss an appeal as equitably moot where it would be "impractical or imprudent" to disturb the bankruptcy court's order. *In re U.S. Airways Group, Inc.*, 369 F.3d 806, 809 (4th Cir. 2004) (internal quotation marks omitted); see *In re Stadium Mgmt. Corp.*, 895 F.2d 845, 847 (1st Cir. 1990) ("Absent a stay [of a bankruptcy court transaction or proceeding], the court must dismiss a pending appeal as moot because the court has no remedy that it can fashion even if it would have determined the issues differently."). Accordingly, we dismiss the appeal as moot. 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.

DISMISSED