

STATE OF MICHIGAN
COURT OF APPEALS

LORI J. DEHLINGER,

Petitioner-Appellee,

v

CHRISTIAN M. BETZ,

Respondent-Appellant.

UNPUBLISHED

December 29, 2011

No. 300544

Kent Circuit Court

LC No. 2010-000923-PP

Before: HOEKSTRA, P.J., and K. F. KELLY and BECKERING, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order denying his motion to terminate a personal protection order (PPO). Because the PPO respondent challenges expired on January 21, 2011, we dismiss his appeal as moot.

Generally, we will not decide issues that become moot. *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). An issue becomes moot when subsequent events occur that leave it impossible for this Court to fashion a remedy. *Id.* Conversely, an issue is not moot where it "may have collateral legal consequences" for an individual. *Mead v Batchlor*, 435 Mich 480, 486; 460 NW2d 493 (1990), abrogated on other grounds *Turner v Rogers*, ___ US ___; 131 S Ct 2507; 180 L Ed 2d 452 (2011).

In this case, respondent challenges the trial court's denial of his motion to terminate a PPO; however, the PPO at issue expired on January 21, 2011. All the issues raised on appeal by respondent relate to whether the PPO was properly issued, and respondent's arguments all relate to why he maintains the PPO should be terminated. Consequently, the issues raised by respondent on appeal are moot because, based on respondent's challenges, it is impossible for this Court to grant a remedy. *B P 7*, 231 Mich App at 359. Further, respondent does not raise any issues of public significance that are likely to occur again in the future. *Detroit v Ambassador Bridge Co*, 481 Mich 29, 50; 748 NW2d 221 (2008). Accordingly, it is unnecessary for us to consider respondent's arguments on appeal, even if his arguments are meritorious. See *B P 7*, 231 Mich App at 359.

Moreover, respondent does not allege that the continued existence of the expired PPO will present him with negative collateral consequences. It is not this Court's duty to discover negative collateral consequences for respondent. See *Mitcham v Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959). Nevertheless, we note that this case is distinguishable from *Hayford v*

Hayford, 279 Mich App 324, 325; 760 NW2d 503 (2008), where this Court found a challenge to a PPO that was already terminated was not moot because the respondent earned a living building firearms and the entry of a PPO could affect his eligibility for a federal firearms license. This Court in *Hayford* held that because the respondent sought a *nunc pro tunc* order declaring the PPO invalid the issue was not moot because the existence of the expired PPO could cause the respondent to permanently lose his federal firearms license and consequently lose his job.

In this case, respondent alleges that he is required to keep and use a firearm in his employment. Respondent further alleges that the Barry County Concealed Weapons Licensing Board revoked his concealed weapons permit. The record does not contain any evidence to support respondent's claims or information regarding respondent's profession. Further, the PPO respondent challenges on appeal does not restrict respondent's right to possess or purchase a firearm, and the record contains no evidence regarding whether his license was revoked as a result of the expired PPO at issue in this case.¹ Respondent does not allege that his employer has terminated him or that he will lose his employment as a result of the existence of the expired PPO. Respondent does not request a *nunc pro tunc* order declaring the PPO invalid as did the respondent in *Hayford*. While respondent alleges that he is required to use a firearm in his employment and that his concealed weapons permit was revoked, he does not argue that the PPO he challenges on appeal will present him with negative collateral consequences. Rather, respondent's allegations in regard to his weapons permit were used to support his argument that the trial court should have applied a more stringent standard of review because his constitutional rights were at issue. We need not address this underlying argument because the challenged PPO is now expired. Accordingly, we dismiss respondent's appeal as moot.

Dismissed.

/s/ Joel P. Hoekstra
/s/ Kirsten Frank Kelly
/s/ Jane M. Beckering

¹ We note that a previous PPO, which expired in January 2009, did prohibit respondent from possessing or purchasing a firearm. Based on the record before us, it does not appear that this PPO was ever challenged by respondent.