

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 14-5046

September Term, 2015

FILED ON: SEPTEMBER 11, 2015

WENDELL C. ROBINSON AND MAY T. JUNG-ROBINSON,
APPELLANTS

v.

UNITED STATES OF AMERICA,
APPELLEE

Appeal from the United States District Court
for the District of Columbia
(No. 1:12-cv-00278)

Before: TATEL, *Circuit Judge*, and EDWARDS and GINSBURG, *Senior Circuit Judges*.

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and supplemental filings of the parties. The court has afforded the issues presented full consideration and has determined that they do not warrant a published opinion. *See* Fed. R. App. P. 36; D.C. Cir. Rule 36(d). For the reasons stated below, it is

ORDERED and **ADJUDGED** that this appeal be dismissed as moot.

In accordance with Article III of the Constitution of the United States, federal courts “may only adjudicate actual, ongoing controversies.” *Honig v. Doe*, 484 U.S. 305, 317 (1988). If or when a case does not present such a controversy, it is moot.

In the present case, the Robinsons and the Government agree that the district court lacked subject matter jurisdiction over the Robinsons’ tax suit. There is therefore no dispute that the Robinsons’ suit was appropriately dismissed, and this appeal is now moot.

The Robinsons’ only remaining contention is that this court should vacate the order and opinion of the district court. This we will not do. The undisputed reason the district court lacked subject matter jurisdiction over the Robinsons’ suit is that the Robinsons filed a related petition with the United States Tax Court. Because the Robinsons “caused the mootness by voluntary action,” they are not entitled to vacatur of the district court’s order dismissing the case

for lack of subject matter jurisdiction on other grounds. *U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 24 (1994).

Pursuant to D.C. Cir. Rule 36(d), this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

PER CURIAM

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk