

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25th day of February, two thousand twenty.

PRESENT:

**RALPH K. WINTER,
SUSAN L. CARNEY,
JOSEPH F. BIANCO,**
Circuit Judges.

MICHAEL KNOPF and NORMA KNOPF,

Plaintiffs-Appellants,

v.

No. 19-1744

**FRANK M. ESPOSITO, DORSEY &
WHITNEY LLP, NATHANIEL H. AKERMAN,
EDWARD STEVEN FELDMAN, and
MICHAEL HAYDEN SANFORD,**

Defendants-Appellees.

FOR PLAINTIFFS-APPELLANTS:

ERIC W. BERRY, Berry Law
PLLC, New York, NY; Gary
Greenberg, Esq., New York,
NY.

**FOR DEFENDANTS-APPELLEES
FRANK M. ESPOSITO:**

FRANK MICHAEL ESPOSITO,
ESQ., Esposito Partners,
New York, NY.

DORSEY & WHITNEY LLP, NATHANIEL H. AKERMAN: ANTHONY P. BADARACCO,
Nathaniel H. Akerman,
Dorsey & Whitney LLP,
New York, NY.

EDWARD STEVEN FELDMAN: EDWARD STEVEN FELDMAN,
ESQ., Feldman & Associates,
PLLC, Englewood, NJ.

MICHAEL HAYDEN SANFORD: MICHAEL HAYDEN SANFORD,
pro se, New York, NY.

Appeal from a post-judgment order of the United States District Court for the Southern District of New York (Cote, *J.*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the appeal is **DISMISSED** as **MOOT**.

Appellants Michael Knopf and Norma Knopf (the “Knopfs”) appeal from a post-judgment order of the United States District Court for the Southern District of New York (Cote, *J.*) denying their motion for an indicative ruling under Rule 62.1 of the Federal Rules of Civil Procedure. The Knopfs sought reconsideration of the District Court’s judgment dismissing their claims under 42 U.S.C. § 1983 that defendants conspired to violate the Knopfs’ constitutional rights. We assume the parties’ familiarity with the underlying facts, the procedural history of the case, and the issues on appeal, to which we refer only as necessary to explain our decision to dismiss.

Rule 62.1 permits a district court that has been divested of jurisdiction by a pending appeal to issue an “indicative ruling” informing the parties and our Court how it would rule on the merits of certain motions, including motions for reconsideration made pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 62.1(a); *see also Darnell v. Pineiro*, 849 F.3d 17, 28 n.7 (2d Cir. 2017). Because, in an order published concurrently with this writing, we vacate the District Court’s judgment of which the Knopfs sought reconsideration, and we remand for further proceedings, this appeal is now moot. *See Calderon v. Moore*, 518 U.S. 149, 150 (1996)

(per curiam) (holding that an appeal becomes moot “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)).

Accordingly, we **DISMISS** the appeal as **MOOT**.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court