District of Columbia
Court of Appeals

No. 20-AA-427

ALLEN WHITAKER,

Petitioner,

v. **2019-034**

DISTRICT OF COLMBIA
CONCEALED PISTOL
LICENSING REVIEW BOARD,

Respondent.

BEFORE: Glickman and Easterly, Associate Judges, and Ruiz, Senior Judge.

ORDER

(Filed Mar. 9, 2022)

On consideration of respondent's motion to dismiss this appeal as moot, the opposition and reply thereto, and the record on appeal, it is

ORDERED that respondent's motion to dismiss this appeal as moot is granted. *See Thorn v. Walker*, 912 A.2d 1192, 1195 (D.C. 2006) ("Although not bound strictly by the 'case or controversy' requirements of Article III of the U.S. Constitution, this court does not normally decide moot cases.") (quoting *Cropp v. Williams*, 841 A.2d 328, 330 (D.C. 2004)). Petitioner seeks review of respondent's decision denying his administrative

appeal and summarily affirming the revocation of his concealed pistol license ("CPL") by the Chief of the Metropolitan Police Department. However, it is undisputed that the Chief reversed the revocation and approved petitioner's CPL during the pendency of this appeal; therefore, the court can provide petitioner no effective relief. *See Crawford v. First Washington Ins. Co.*, 121 A.3d 37, 39 (D.C. 2015) ("[I]t is well-settled that, while an appeal is pending, an event that renders relief impossible or unnecessary also renders that appeal moot") (quoting *Settlemire v. District of Columbia Office of Emp. Appeals*, 898 A.2d 902, 905 (D.C. 2006)); *Thorn*, 912 A.2d at 1195 ("In deciding whether a case is moot, we determine whether this [c]ourt can fashion effective relief.") (citation omitted).

The remaining issues petitioner raises in his appeal related to the Chiefs possible revocation of his CPL in the future do not constitute "live" controversies for purposes of this appeal. *See Cropp*, 841 A.2d at 330 (rejecting argument that the court should issue an advisory opinion to "forestall [] hypothetical future clashes between" the parties). Petitioner's remaining claims of error are particular to his case, dependent on an event several years in the future that may not occur, and are unlikely to evade review in the event they do recur. Hence, we decline to permit this otherwise moot appeal to proceed under the exception for matters "capable of repetition, yet evading review." *See McClain v. United States*, 601 A.2d 80, 82 (D.C. 1992) (explaining that, with respect to this court's prudential rather than jurisdictional adherence to federal mootness doctrine

and its recognized exceptions, "[t]he issue . . . is not one of authority but of when – under what circumstances – the court should exercise its 'careful discretion . . . to reach the merits of a seemingly moot controversy") (quoting *Atchison v. District of Columbia*, 585 A.2d 150, 153 (D.C. 1991)).

PER CURIAM

Copies e-served:

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