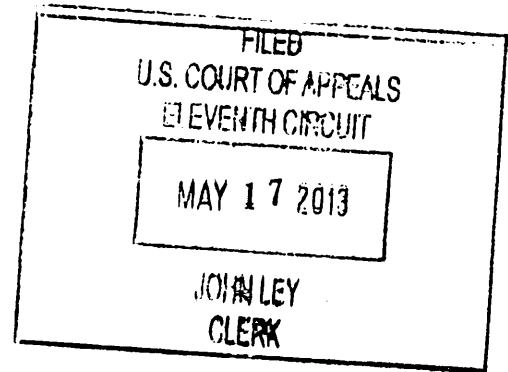


**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 11-16114-CC

CENTRAL ALABAMA FAIR HOUSING CENTER,
FAIR HOUSING CENTER OF NORTHERN ALABAMA,
CENTER FOR FAIR HOUSING, INC.,
JOHN DOE NO. 1,
on behalf of themselves and all others similarly situated,
JOHN DOE NO. 2,
on behalf of themselves and all others similarly situated,



Plaintiffs - Appellees,

versus

COMMISSIONER, ALABAMA DEPARTMENT OF REVENUE,

Defendant – Appellant.

On Appeal from the United States District Court for the
Middle District of Alabama

BEFORE: TJOFLAT, WILSON, and MARTIN, Circuit Judges.

BY THE COURT:

On March 6, 2013, this Court directed the parties to show cause why this appeal should not be dismissed as moot.

As is discussed in the parties' responses to the show cause order, Alabama Code § 31-13-29 was amended in May 2012. The parties submit, and we agree, that based on that amendment, there is no possibility that the challenged code section, as amended, will be applied to future mobile home transactions in Alabama. For that reason, we conclude that this appeal is

due to be dismissed as moot because the appeal “no longer presents a live controversy with respect to which the court can give meaningful relief.” *See Ethredge v. Hail*, 996 F.2d 1173, 1175 (11th Cir. 1993). Accordingly, on our own motion, we hereby DISMISS this appeal as MOOT.¹

Furthermore, based on our consideration of principles of equity, we hereby VACATE the district court’s December 12, 2011, “Opinion” (Doc. 87) and the December 12, 2011, “Preliminary Injunction” (Doc. 88). *See Dow Jones & Co., Inc. v. Kaye*, 256 F.3d 1251, 1259 (11th Cir. 2001).

This matter is REMANDED to the district court for further proceedings consistent with this order.

¹ The determination of whether the underlying case is moot ultimately rests with the district court. *See Dow Jones & Co., Inc. v. Kaye*, 256 F.3d 1251, 1259 n.11 (11th Cir. 2001).

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

May 17, 2013

Debra P. Hackett
U.S. District Court
PO BOX 711
MONTGOMERY, AL 36101-0711

Appeal Number: 11-16114-CC
Case Style: Central Alabama Fair Housing C, et al v. Commissioner, Alabama Revenue, et al
District Court Docket No: 2:11-cv-00982-MHT-CSC

The enclosed copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Joe Caruso
Phone #: (404) 335-6177

Enclosure(s)

DIS-4 Multi-purpose dismissal letter