

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3262

In re: Julia A. Strong,

Debtor.

Julia A. Strong,

Appellant,

v.

Bank of America,

Appellee.

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Appeal from the United States
Bankruptcy Appellate Panel
for the Eighth Circuit.

[UNPUBLISHED]

Submitted: June 24, 2005

Filed: July 8, 2005

Before MELLOY, McMILLIAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Julia Strong appeals the Bankruptcy Appellate Panel's (BAP's) order dismissing as moot her appeal from the bankruptcy court's¹ order. After careful de novo review, see Midwest Farmworker Employment & Training, Inc. v. United States

¹The Honorable Barry S. Schermer, United States Bankruptcy Judge for the Eastern District of Missouri.

Dep't of Labor, 200 F.3d 1198, 1201 (8th Cir. 2000); In re Cool Fuel, Inc., 210 F.3d 999, 1001 (9th Cir. 2000), we conclude that the BAP properly dismissed the appeal as moot, see In re Rodriguez, 258 F.3d 757, 759 (8th Cir. 2001) (per curiam) (appellate court cannot modify sale in bankruptcy and must dismiss appeal as moot, if appellant has not received stay pending appeal); United States v. Fitzgerald, 109 F.3d 1339, 1342 (8th Cir. 1997) (debtor who fails to obtain stay of foreclosure sale has no remedy on appeal, and appeal is moot).

Accordingly, we affirm.
