OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

BENJAMIN W. WAGNER,	)	No. ED109495
	)	
Appellant,	)	
	)	Appeal from the Circuit Court
	)	of St. Francois County
vs.	)	Cause No. 20SF-CC00011
	)	
ANN PRECYTHE, et al.,	)	Honorable Patrick L. King
	)	
Respondents.	)	Filed: _____

Benjamin W. Wagner ("Appellant") appeals the trial court's judgment dismissing his amended petition. In his two points on appeal, Appellant argues the trial court erred in dismissing his amended petition on the grounds that: 1) sovereign immunity barred suit against the named State officials and employees and 2) Appellant failed to exhaust his administrative remedies prior to bringing suit. Respondents filed a motion to dismiss this appeal, contending that the case is moot because Appellant was released from prison during the pendency of the appeal, in December of 2021. The motion was taken with the case.

DISMISSED FOR MOOTNESS.

Division Three Holds: We find this appeal is moot and no exception to the mootness doctrine applies. The motion to dismiss is granted, and we dismiss this appeal.

Opinion by: Colleen Dolan, J.

Philip M. Hess, P.J., and Angela T. Quigless, J. concur.

Attorney for Appellant: Benjamin W. Wagner, Pro Se

Attorneys for Respondents: Courtney R. Chapin and James Simeri

Attorneys for Respondent Lisa Ivy: John T. Eckenrode and Rachel M. Schafer.

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.