

2 Fed.Appx. 565

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Seventh Circuit Rule 32.1 (Find CTA7 Rule 32.1)

United States Court of Appeals,  
Seventh Circuit.

Donna RADASZEWSKI, Guardian for Eric  
Radaszewski Plaintiff–Appellant,

v.

Ann PATLA, Director, Illinois Department of  
Public Aid, Defendant–Appellee.

No. 00–3929.

Argued Jan. 26, 2001.

Decided March 8, 2001.

Claimant brought an action for injunctive and declaratory relief against the director of the state department of public aid after the director reduced the private duty nursing care for claimant's son. The United States District Court for the Northern District of Illinois, John F. Grady, J., entered a temporary restraining order and denied claimant's motion for a preliminary injunction. Claimant appealed. The Court of Appeals held that claimant's cause of action was moot.

Appeal dismissed; judgment vacated and remanded.

West Headnotes (1)

[1] **Federal Courts**

🔑 Environment and health

Claimant's cause of action which sought an injunction to prohibit the director of the state department of public aid from reducing her son's private duty nursing care was moot; legislative amendment to state Medicaid Plan eliminated private duty nursing care as a service provided under the plan.

2 Cases that cite this headnote

\*566 Appeal from the United States District Court for the Northern District of Illinois, Eastern Division. No. 00 C 5391. John F. Grady, Judge.

Before BAUER, Hon. MANION, and ROVNER, Circuit Judges.

ORDER

\*\*1 Plaintiff filed suit under 42 U.S.C. § 1983 seeking declaratory and injunctive relief against defendant for reducing the private duty nursing care provided to her son, thereby violating his due process rights and the Medicaid statute, 42 U.S.C. § 1396 *et seq.* The district court entered a temporary restraining order, enjoining defendant from reducing the nursing care. The district court subsequently denied plaintiff's motion for a preliminary injunction, concluding that it lacked subject-matter jurisdiction because plaintiff's claims did not state a violation of the Medicaid statute or the Constitution. Plaintiff appealed.

During oral argument before this Court, defendant's counsel notified us that a proposed amendment to the Illinois State Medicaid Plan had been submitted to the Health Care Financing Administration of the United States Department of Health and Human Services for approval. The amendment proposed to wholly eliminate private duty nursing care as a service provided under the state plan. Therefore, at the close of oral argument, we requested that the parties apprise us of any change in the status of this case.

On February 9th, defendant's counsel notified us that the amendment had been approved on February 2nd. In light of this change, on February 21, 2001, we ordered both parties to file memoranda arguing what effect the amendment to the state plan had on this pending case. Both parties responded that the amendment renders this case moot. We agree.

Accordingly, IT IS ORDERED that this case is DISMISSED as moot, so we hereby VACATE the district

court's judgment on the merits and REMAND for the district court to dismiss all previous orders entered in this case as moot. *See DiGiore v. Ryan*, 172 F.3d 454, 466 (7th Cir.1999).

**All Citations**

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