

2013 IL App (1st) 113578-U

FIFTH DIVISION  
February 01, 2013

No. 1-11-3578

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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<i>In re</i> MARRIAGE OF GLORIA THOMAS/DECEASED;	)	Appeal from the
ROBERT GARY,	)	Circuit Court of
	)	Cook County.
Petitioner-Appellee,	)	
	)	
and	)	Nos. 03 D 650141
	)	88 D 75232
	)	
MICHAEL G. EASTER,	)	Honorable
	)	Martha A. Mills,
Respondent-Appellant.	)	Judge Presiding.

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JUSTICE TAYLOR delivered the judgment of the court.  
Justices Howse and Palmer concurred in the judgment.

**ORDER**

¶ 1 *Held:* Appeal dismissed as moot where intervening event renders it impossible to grant effectual relief to respondent.

¶ 2 Respondent Michael Easter, *pro se*, appeals from an order of the circuit court of Cook County denying his motion "For Seeking A Declarations [*sic*] of Right's [*sic*] Relief" under section 2-701 of the Code of Civil Procedure (735 ILCS 5/2-701 (West 2010)), which was in effect, a motion to modify a custody judgment pursuant to section 610 of the Illinois Marriage

and Dissolution of Marriage Act (Act) (750 ILCS 5/610 (West 2010)). On appeal, respondent contends, essentially, that the circuit court improperly denied his motion. Petitioner has not filed a brief in response; however, we may consider the merits of this appeal under the principles set forth in *First Capitol Mortgage Corp. v. Talandis Construction Corp.*, 63 Ill. 2d 128, 133 (1976).

¶ 3 The common law record shows, in relevant part, that respondent and petitioner Gloria Thomas, deceased, are the biological parents of Michael Easter Jr., who was born on June 10, 1994. In 2006, after Thomas' demise, the circuit court awarded sole custody of Michael Easter Jr. to petitioner Robert Gary, a maternal uncle. That guardianship arrangement was found to be in the best interests of Michael again in July 2009 after a hearing was held on respondent's motion for the return of custody to him.

¶ 4 On November 2, 2011, respondent filed the *pro se* motion at bar in which he, *inter alia*, accused the circuit court and others involved in the custody proceedings of conspiracy and aiding and abetting child abduction, and also alleged that he had been denied due process. On November 30, 2011, the circuit court denied the motion. Then, on December 16, 2011, the court vacated its previous order because of an incorrect docket number, and again denied respondent's motion. In doing so, the court noted that it read the motion as "a motion for custody of the minor child, Michael G. Easter, Jr. (DOB 6/10/94)," and found that the motion was "in large part identical to earlier motions for the same relief," including the one heard on July 6, 2009, where "it was found to be in the best interest of the minor child to remain in the custody/guardianship of Robert Gray [*sic*]." This appeal followed.

¶ 5 Notwithstanding respondent's failure to present a brief with an organized and cohesive legal argument for our consideration (*Bank of Ravenswood v. Maiorella*, 104 Ill. App. 3d 1072, 1074 (1982)), it appears from the perceived facts, that the appeal is moot and subject to dismissal on that ground. When intervening events have rendered it impossible for a court of review to

grant effectual relief, then the appeal, and the issues raised therein, are considered moot. *Felzak v. Hruby*, 226 Ill. 2d 382, 392 (2007). This is so even when the events which render an issue moot occur while the case is pending on appeal. *Felzak*, 226 Ill. 2d at 392.

¶ 6 Here, the record shows that as of the date this order is filed, Michael Easter Jr. will have reached the age of majority, having been born on June 10, 1994. Since respondent has filed what can only be described as a motion for custody of Michael, who has now attained majority, the issue of custody as to him is moot. *In re Marriage of Smith*, 114 Ill. App. 3d 47, 48 (1983). As a result, no effectual relief may be granted, and the issues raised in this appeal are moot. *Felzak*, 226 Ill. 2d at 392; see also *Madison Park Bank v. Zagel*, 91 Ill. 2d 231, 234-36 (1982).

Accordingly, we dismiss this appeal.

¶ 7 Appeal dismissed.