

Circuit Court for Montgomery County
Case No.: C-15-CV-22-002364

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 796

September Term, 2022

KAMAL MUSTAFA

v.

OMAHA PROPERTY MANAGER, LLC, *et al.*

Wells, C.J.,
Beachley,
Woodward, Patrick L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 4, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Kamal Mustafa, appellant, appeals from two orders by the Circuit Court for Montgomery County. The first order granted Omaha Property Manager, LLC, appellee, a temporary restraining order against him. The second order dissolved and released the bond Omaha had posted under the terms of the TRO, back to the company. For the reasons below, we shall dismiss the appeal as moot.

BACKGROUND

Omaha is a Delaware LLC formed in June 2020 for the purpose of purchasing residential property at foreclosure sales throughout the United States. In Maryland, the company has purchased properties through valid foreclosure sales in Frederick, Howard, Montgomery, and Prince George’s Counties. Several months after Omaha was formed, Mustafa formed at least three LLCs in as many states—Connecticut, Maryland, and Illinois—that, although entirely unrelated to Omaha, are identically named. Using these LLCs, Mustafa attempted to fraudulently convey Omaha’s properties to NDF1, LLC, which Mustafa also owned. Upon learning of the attempted fraudulent conveyances, Omaha filed quiet-title actions in the appropriate circuit courts and secured default judgments against Mustafa in each case. This Court has since either affirmed or dismissed appeals from those judgments.¹

¹ See *Mustafa v. Omaha Prop. Manager, LLC*, Case No. 1000, Sept. Term, 2022 (filed June 6, 2023) (Frederick County); *Omaha Prop. Manager, LLC v. Omaha Prop. Manager, LLC* 1542, Sept. Term, 2022 (filed Aug. 14, 2023) (Montgomery County); *Mustafa v. Omaha Prop. Manager, LLC* 14, Sept. Term, 2023 (filed Dec. 1, 2023) (Howard County); *Mustafa v. Omaha Prop. Manager, LLC* 733, Sept. Term, 2023 (filed Nov. 13, 2023) (Prince George’s County).

In June 2022, separately from its quiet-title action, Omaha also sued Mustafa in the Circuit Court for Montgomery County seeking, among other things, to enjoin him² from continuing his fraudulent scheme. Simultaneously, the company moved for a TRO and a preliminary injunction. The court scheduled a hearing on Omaha’s motion for July 1.

The morning of the hearing, Mustafa emailed the circuit court a copy of a Notice of Removal of the case to the United States District Court for the District of Maryland. Mustafa did not *file* the notice, however, so the court proceeded with the hearing as scheduled. At the end of the hearing, the court announced it would grant Omaha’s requested TRO, and it entered a written order on July 7.³ The TRO was contingent on Omaha posting a \$25,000 bond by noon on July 8—which it did—and expired on July 11, which was the day the court had scheduled the preliminary-injunction hearing. Mustafa appealed from this order.

Mustafa filed for bankruptcy on July 6,⁴ though he never notified the circuit court. He then filed his Notice of Removal on July 9. Meanwhile, Omaha moved, in the federal court, for a TRO and a preliminary injunction. The federal court ultimately issued a TRO on July 13, which later became a preliminary injunction that still remains in effect. The

² In the same action, Omaha also sued two of Mustafa’s copycat entities, NDF1, and Sidikatu Raji. None of these other defendants are parties to this appeal.

³ The order was signed on July 5.

⁴ The United States Bankruptcy Court for the District of Maryland entered an order discharging the trustee and closing Mustafa’s case on September 25, 2023.

relief provided by the federal court’s order is nearly identical to the relief provided by the circuit court’s order.

Finally, on August 5, Omaha moved for the circuit court to release the bond it had filed to secure the TRO. The court granted the motion, and Mustafa noted a second appeal.

DISCUSSION

On appeal, Mustafa raises several jurisdictional arguments related to the validity of the circuit court’s orders entering the TRO and later returning Omaha’s bond. We need not address any of Mustafa’s arguments, however, because this appeal is moot.

“The test for mootness is whether a case presents a controversy between the parties for which the court can fashion an effective remedy.” *Tempel v. Murphy*, 202 Md. App. 1, 16 (2011). As mentioned above, the TRO here expired automatically on July 11, 2022. As a result, Mustafa’s first appeal challenging its validity is moot because there is no longer a controversy between the parties. *See J.L. Matthews, Inc. v. Maryland-National Cap. Park and Plan., Comm’n*, 368 Md. 71, 96 (2002). And when the TRO expired, so too did Omaha’s obligation to maintain the bond it had filed in the circuit court. As a result, Mustafa’s second appeal is also moot because this Court cannot fashion any effective remedy. Thus, we will dismiss the appeal. *See* Md. Rule 8-602(c)(8).

**APPEAL DISMISSED. COSTS TO BE
PAID BY APPELLANT.**