

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6431

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHARLES ROBERT BAREFOOT, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Terrence W. Boyle, District Judge. (5:05-cr-00166-BO)

Submitted: May 7, 2009

Decided: June 15, 2009

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles Robert Barefoot, Jr., Appellant Pro Se. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Robert Barefoot, Jr., appeals from a February 21, 2007 district court order finding, pursuant to 18 U.S.C. § 4241 (2006), that there was reasonable cause to believe Barefoot was suffering from a mental disease or defect rendering him mentally incompetent to stand trial. The court directed Barefoot be remanded to the custody of the Attorney General for a period not to exceed thirty days so that a mental competency exam might be conducted and a report filed with the court. We dismiss the appeal because it is moot.

Barefoot was remanded to the custody of the Attorney General and found incompetent. The district court subsequently ordered that he be involuntarily medicated in order to restore his competency. His counsel appealed that order and the appeal is pending in this court and the proceedings stayed in the district court. Because the February 21, 2007 order is no longer live, the appeal is moot. See Doe v. Kidd, 501 F.3d 348, 354 (4th Cir. 2007) (defining "mootness"), cert. denied, 128 S. Ct. 1483 (2008).

Accordingly, we dismiss the appeal as moot and deny Barefoot's motion that all of his future filings in this appeal be sealed. We also deny his motion for oral argument because the facts and legal contentions are adequately presented in the

materials before the court and argument would not aid the decisional process.

DISMISSED