

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4864

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES KELVIN WILSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:95-cr-00054-BR-1)

Submitted: June 14, 2010

Decided: August 13, 2010

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, James E. Todd, Jr., Research and Writing Attorney, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Jennifer P. May-Parker, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Kelvin Wilson appeals the sentence of eight months of imprisonment imposed by the district court upon revocation of his term of supervised release. On appeal, he argues that the sentence is unreasonable because the district court failed to consider the required factors in 18 U.S.C. § 3553(a) (2006), and failed to adequately explain its reasons for imposing the sentence. The Government responds, asserting that the sentence is not plainly unreasonable and should be affirmed.

During the pendency of this appeal, Wilson completed the term of imprisonment imposed by the district court. The court's sentence did not include any additional term of supervised release. In this case, as a result of Wilson's release, "there is no wrong to remedy and an appeal should . . . be dismissed . . . when, by virtue of an intervening event, a court of appeals cannot grant any effectual relief whatever in favor of the appellant." United States v. Hardy, 545 F.3d 280, 285 (4th Cir. 2008) (quoting Calderon v. Moore, 518 U.S. 149, 150 (1996)) (internal quotation marks omitted).

Accordingly, we dismiss the appeal as moot. We dispense with 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