

# United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

July 30, 2018

**Before**

DIANE P. WOOD, *Chief Judge*

KENNETH F. RIPPLE, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

No. 16-4217

JERMEL POPE,  
*Petitioner-Appellant,*

*v.*

JANET PERDUE  
*Respondent-Appellee.*

Appeal from the United States District  
Court for the Central District of  
Illinois.

No. 14-cv-01393

**Sara Darrow,**  
*Judge.*

## ORDER

It is ORDERED that footnote 1 at page 5 of the original opinion is STRICKEN and replaced with the following revised footnote 1:

The Government's reliance on *Spencer v. Kemna's* mootness standard is misplaced. See 523 U.S. 1, 7 (1998). While Pope is no longer incarcerated, he continues to serve his sentence on supervised release – another form of custody. *Trotter*, 270 F.3d at 1152. Thus, *Spencer*, a case in which the petitioner's sentence had already expired, does not apply. See *Spencer*, 523 U.S. at 7.

It is further ORDERED that the statute referred to on line 2 of the CONCLUSION at page 13 of the original opinion is revised from § 3538(e) to § 3583(e).

Finally, it is ORDERED that the Respondent's Petition for Panel Rehearing is DENIED.